CASE CLOSURE FORM

Name of Cases: Petra Chemical Company

Docket Number: CAA-06-2005-3527

Date Complaints Issued: 04-06-2005

Date Concluded: 05-18-2005

How Concluded: Paid Penalties; Submitted RMPs

Date of Case Conclusion Data Sheets: 06-01-2005

Date Penalty Due: $ 2,310.00

Date Penalty Collected: 05-03-2005

Additional Settlement Conditions:

Date Settlement Conditions Satisfied:

for E Rogers
Case Handler Bob Goodfellow

June 1, 2005
Date

CONCURRENCE ROUTING RISK MANAGEMENT PLAN (RMP)
ENFORCEMENT

TYPE OF ACTION: Final Order of Expedited Settlement Agreement (ESA)

Petra Chemical Company
Dallas, Texas

JB for — 5/18/05
6RA: Richard E. Greene — Date:

5/17
6SF-RC: James Graham — Date:

5-16-05
6SF-RC: Bob Goodfellow — Date:

6SF-R Ronnie Crossland RDC — 5/18/05

Misty Work @ 6418
When Concurrence is completed please contact ~~Elizabeth Rogers at (x6708)~~ for pickup.

MAY 13 2005

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO: 06-2005-3527
This complaint is issued to: Petra Chemical Company
At: 2929 Storey Lane, Dallas, TX
for violating Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 6, by its duly delegated official, the Director, Superfund Division, and by Respondent pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On August 13, 2003, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. §7413(d)(1), to pursue this administrative enforcement action.

On February 24, 2005, an authorized representative of the EPA conducted a compliance inspection of the subject facility (Respondent) to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that the Respondent had violated regulations implementing Section112(r) of the Act by failing to comply with the regulations as noted on the attached RISK MANAGEMENT PLAN INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET ("FORM"), which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record the parties enter into the ESA in order to settle the violations, described in the attached FORM for the total penalty amount of **$2,310.00.**

This settlement is subject to the following terms and conditions:

The Respondent by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C §7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed in the attached FORM and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **$2,310.00** in payment of the full penalty amount to the following address:

U.S. EPA Region 6
Regional Hearing Clerk (RC-HO)
P.O. Box 371099M
Pittsburgh, PA 15251

The DOCKET NUMBER OF THIS EXPEDITED SETTLEMENT AGREEMENT must be included on the certified check. (The DOCKET NUMBER is located at the top left corner of this Expedited Settlement Agreement.)

This original Settlement Agreement and a **copy of the certified check must be sent by certified mail to:**

Elizabeth R. Rogers
112(r) Compliance Officer
Superfund Division (6SF-RC)
U.S. Environmental Protection Agency Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Upon the Respondent's signing and submission of this Settlement Agreement, EPA will take no further action against the Respondent for the alleged violations of the Clean Air Act described in the above Form. EPA does not waive any enforcement action by EPA for any other past, present, or future violations under the Clean Air Act or any other statute.

If the Settlement Agreement with an attached copy of the certified check is not returned to the EPA Region 6 office at the above address in correct form by the Respondent within 45 days of the date of the receipt of this Settlement Agreement, the Complaint and Expedited Settlement Agreement is withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the violations identified in this Settlement Agreement.

Respondent has the right to request a hearing on any material fact or on the appropriateness of the penalty contained in this complaint pursuant to 40 CFR § 22.14. Upon signing and returning of this Settlement Agreement to EPA, the Respondent waives the opportunity for a hearing pursuant to Section 113(d)(2)(A) of the Clean Air Act, 42 U.S.C. § 7413(d)(2)(A).

This Settlement Agreement is binding on the EPA and the Respondent signing below. By signing below, the Respondent waives any objections to EPA's jurisdiction with respect to the Settlement Agreement and consents to EPA's approval of this Settlement Agreement without further notice. This Settlement Agreement is effective upon the Regional Administrator's signature.

Pamela Phillips, Acting — Date: April 6, 2005

Samuel Coleman, P. E.
Director
Superfund Division

It is so ORDERED. This Order shall become effective upon filing of the fully executed Complaint and Expedited Settlement Agreement.

for — Date: 5/18/05

Richard E. Greene
Regional Administrator

SIGNATURE BY RESPONDENT:

Signature: A.C. Musgrave, III President — Date: May 3, 2005

Name (print): A.C. Musgrave, III

Title (print): President

Cost of Corrective Actions: $2000.00 Consultant Fees
Unable to determine future engineering costs

R6 REV.

REMITTER PETRA CHEMICAL, INC.

docket # 06-2005-3527

AMERICAN BANK, N.A.

P.O. BOX 540936
DALLAS, TX 75354-0936

C140831

05-03-05
DATE

PAY

DOLLARS $ ***2,310.00***

**** TREASURER UNITED STATES OF AMERICA ****

TO THE ORDER OF

TWO SIGNATURES REQUIRED OVER $5,000.00

VOID OVER $2,310.00

CASHIER'S CHECK

NOTICE TO CUSTOMERS
THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE AN OFFICIAL CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE EVENT IT IS LOST, MISPLACED OR STOLEN.

CASHIER

(b) (4) [redacted]

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

MAY 24 2005

Mr. A. C. Musgrave, III, President
Petra Chemical Company
2929 Storey Lane
Dallas, TX 75220-4515

Re: Expedited Settlement Agreement-Final Order
Docket No. CAA-06-2005-3527

Dear Mr. Musgrave, III:

Enclosed for your records is a copy of the fully executed Expedited Settlement Agreement (ESA) for the CAA 112(r) violation found at the Petra Chemical Company located in Ennis, Texas.

If you have any questions regarding this matter, please do not hesitate to call. I may be reached by phone at (214) 665-6632 or by email at GOODFELLOW.BOB@EPA.GOV.

Sincerely,

Bob Goodfellow
Response and Prevention Branch
EPA Region 6

Enclosure

REQUEST FOR APPROVAL OF FINAL ORDER
EXPEDITED SETTLEMENT AGREEMENT

SUMMARY OF CASE

RESPONDENT: Petra Chemical Company

VIOLATION: Failure to file an RMP

PENALTY AMOUNT: $ 2,310.00

STAKE HOLDER ISSUES: None

CASE CONTACT: Chris Ruhl, ext. 7356

Petra ChemicalCompany

May 3, 2005

VIA: CERTIED MAIL RETURN RECEIPT REQUESTED
#7003 3110 0006 0187 6489

Elizabeth R. Rogers
112(r) Compliance Officer
Superfund Division
U.S. Environmental Protection Agency Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

In re: Petra Chemical Company – 2929 Storey Lane – Dallas, Texas 75220
Expedited Settlement Agreement (ESA) for Risk Management Plan Inspection Finds,
Alleged Violations and Proposed Penalty
Docket #06-2005-3527

Dear Ms. Rogers:

In accordance with the instructions contained in the April 7, 2005, letter from the Agency, we are enclosing a (1) copy of the Cashier's Check, Number C140831, dated May 3, 2005, in the amount of $2,310.00 and (2) the original signed CESA.

The Cashier's Check has been forwarded to:
U.S. EPA Region 6
Regional Hearing Clerk (RC-HO)
P.O. Box 371099M
Pittsburgh, PA 15251

With kindest regards,

Jon D. Smithson
Vice President

JDS/jl

Attachment

Cc: U.S. EPA Region 6

Petra Chemical Company
2929 Storey Lane
Dallas, TX 75220
Telephone 214-352-1900
Facsimile 214-350-6159
Toll Free 800-370-2001

Case Conclusion Data Sheet

A. Case and Facility Background

1. Enforcement Action ID 06 -2005 -3527
2. Enforcement Action Name Petra Chemical Company
3. Settlement Action Type

____ (a) Consent decree or court order resolving a judicial action

____(b) Admin. Compliance Order (with/without injunctive relief)

__X__(c) Admin. Penalty Order (with/without injunctive relief)

____(d) Notice of Determination

____ (e) Federal Facility Compliance Agreement (not incl. RCRA matters)

____ (f) Superfund Administrative Order for Cost Recovery

4. Was Alternative Dispute Resolution used in this action (Y/N)
5. Was an Environmental Management System requested (Y/N)
6. Administrative Action Date: 04-06-2005 Final Order Issued: 05-18-2005

   or

   Civil Action Date: CD Lodged_____ CD Entered_____
7. Respondent(s) _____
8. Federal Statute(s) violated (e.g, CAA, EPCRA, etc.) (Not U.S.C. or CFR) CAA 112(r)
9. Facility Name(s) Petra Chemical Company
10. Facility Address(s) Street: 2929 Storey Lane City: Dallas County: _____ St: Texas Zip: 75220

B. Penalty (if there is no penalty, enter 0 and proceed to #15)

11. For multimedia actions, Cash Civil Penalty Amount Required by statute:

Statute	Amount
_____	$_____

12. Federal Penalty Required $ $ 2,310.00
13. (if shared) State/Local Penalty Amount $_____

C. Cost Recovery

14. Amount cost recovery Required: $_____ EPA $_____ State and/or Local Government $_____ Other

D. Supplemental Environmental Project (SEP) Information (Y/N) If Yes, for each SEP provide the following:

15. Is Environmental Justice addressed by impact of SEP? (Y/N)
16. SEP description
17. Category of SEP(s)
    - __(a) Public Health
    - __(b) Pollution Prevention (Complete Q. 19)
      - __(1) equipment/technology modifications
      - __(2) process/procedure modification
      - __(3) product reformulation/redesign
      - __(4) raw materials substitution
      - __(5) improved housekeeping/O&M/training/inventory-control
      - __(6) in-process recycling
      - __(7) energy efficiency/conservation
    - __(c) Pollution Reduction (Complete Q. 19)
    - __(d) Environmental Restoration and Protection
    - __(e) Assessments and Audits
    - __(f) Environmental Compliance Promotion
    - __(g) Emergency Planning and Preparedness
    - __(h) Other Program Specific SEP

18. Cost of SEP. Cost calculated by the Project Model is required. $ _____

19. Quantitative environmental pollutants and/or chemicals and/or waste-streams, amount of reductions/eliminations (e.g.,emissions/discharges)

ENVIRONMENTAL BENEFIT OF SEP

Pollutant/Chemical/Waste Stream	Amount	Units (circle one)	Potentially Impacted Media
_____	_____	Pounds/yr	Air
		People	Land
		Acres	Water (navigable/surface)
		Linear Feet ss	Water (wetlands)
		Linear Feet ms	Water (wastewater to a POTW)
		Linear Feet ls	Water (underground source of drinking water)
		Gallons/yr	Water (ground)
		Pounds	Animals/Plants/Humans
			Buildings/Houses/Schools

E. Injunctive Relief/Compliance Actions (Non-SEP)(APO's w/o inj. relief [4©) above], Superfund Admin Cost Recovery Agreements[4(f) above] SKIP THIS SECTION)

20. What action did violator accomplish prior to receipt of settlement/order or will take to return to compliance or meet addl. requirements (other than what has already been reported on the Inspection Conclusion Data Sheet (ICDS)). This may be due to settlement/order requirements or otherwise required by statute or regulation (e.g. actions related to an APO which did not specify compliance requirements). Where separate penalty and/or compliance orders are issued in connection w/same violation(s), report the following information for only one. Select response(s) from the following:

Actions with Direct Environmental Benefits and/or Direct Response/Corrective Action

___ Source Reduction/Waste Minimization (RCRA)
___ Industrial/Municipal Process Change (includes flow reduction)
___ Emissions/Discharge Change (e.g. end-of-pipe treatment)
___ Implement Best Management Practices (BMPs)
___ Wetlands Mitigation
___ In-situ and Ex-situ Treatment (CERCLA/RCRA Corrective Action)
___ Waste Treatment (RCRA/TSCA)
___ Removal of Spill
___ Removal of Contaminated Medium (soil, drums etc.)
___ Containment (CERCLA)
___ Leak Repair (CAA)
___ Import Denied (FIFRA)
_____ Pesticide Destroyed (FIFRA)

Preventative Actions to Reduce Likelihood of Future Releases

___ Disposal Change
___ Storage Change
___ Develop/Implement Asbestos Management Plan
___ Develop/Implement Spill Prevention and Countermeasures Control (SPCC) Plan
___ Obtain Permit for Underground Injection (UIC)
___ UIC Plug and Abandon
___ UIC Demonstrate Mechanical Integrity
___ UST Tank Closure

Facility/Site Management and Info. Practices

___ Testing/Sampling
___ Auditing
___ Labeling
___ Record keeping
___ Reporting
___ Information Letter Response
___ Financial Responsibility Requirements
___ Environmental Management Review
___ RI/FS or RD (CERCLA)
___ Site Assessment/ Characterization (CERCLA)
___ Provide Site Access (CERCLA)
___ Monitoring
___ UST Release Detection
___ Storm water Site Inspections
___ Asbestos Inspections
___ Training
___ Planning
___ Permit Application
___ Work Practices
___ Notification (TSCA Section 6)
___ Leak Detection (CAA)
___ Spill Notification
___ Develop/Implement CMOM Program (CWA)

___ UST Secondary Containment
___ UST Corrosion or Overfill Protection
___ RCRA Labeling/Manifesting
___ RCRA Waste Identification
___ RCRA Secondary Containment
___ Lead-Based Paint Disclosure
___ Lead-Based Paint Removal Training/Certification
___ Asbestos Training/Certification/Accreditation
___ Asbestos Abatement
___ Asbestos Plan Submission
___ Notification (SDWA, FIFRA)
___ Worker Protection (FIFRA)
___ Pesticide Registered (FIFRA)
___ Pesticide Certified (FIFRA)
___ Pesticide Claim Removed (FIFRA)
___ Pesticide Label Revision (FIFRA)

21. Cost of actions described in item #21. (Actual cost data supplied by violator is preferred figure.)
Physical actions: $_____ Non-Physical actions: $_____

22. Quantitative environmental impact of actions described in item #21: (Add additional pollutants on blank sheet)

REDUCTIONS/ELIMINATIONS/TREATMENT

Pollutant/Chemical/Waste Stream	Amount	Units	Potentially Impacted Media
		Pounds/yr.	Air
		People	Land
		Cubic Yards	Soil
		Acres	Water (navigable/surface)
		Linear Feet (ss/ms/ls)	Water (wetlands)
		Gallons	Water (underground source of drinking water)
		Pounds	Water (ground)
		Miles of Stream Impacted	Animals/Plants/Humans

PREVENTION

Pollutant/Chemical/Waste Stream	Amount	Units	Potentially Impacted Media
		Wells	Water (underground source of drinking water)
		Gallons	Water (navigable/surface)
		SF/MF/Housing units	Schools/Housing/Buildings
		Building Units	Animals/Plants/Humans
		Schools	
		People	
		Pounds	

On ICIS

CONCURRENCE ROUTING: RMP ENFORCEMENT

TYPE OF ACTION: Clear Air Act, Section 112(r) Expedited Settlement Agreement

Petra Chemical Company
Dallas, Texas

6SF-RC: Bob Goodfellow _____ Date: 4-5-05

6SF-RC: James Graham _____ Date: 4/6

6SF-R: Ragan Broyles _____ Date: 4/6

6SF: Samuel Coleman _____ Date: _____

6SF-RC: Elizabeth Rogers _____ Date: _____

4-7-05 ESA mailed
5-13-05 On RA's Signature (in route)

THIS ENFORCEMENT ACTION WILL BE ENTERED INTO ICIS WITHIN 5 DAYS OF THE EFFECTIVE DATE OF THE ACTION.

APR 04 2005

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

APR 07 2005

CERTIFIED MAIL, RETURN RECEIPT REQUEST
Certified Receipt # 7003 0500 0003 0875 4781

Mr. A.C. Musgrave, III, President
Petra Chemical Company
2929 Storey Lane
Dallas, TX 75220-4515

Re: Expedited Settlement Agreement (ESA) for Risk Management Plan Inspection Findings, Alleged Violations and Proposed Penalty
Docket No. 06-2005-3527

Dear Mr. Musgrave, III:

The United States Environmental Protection Agency (EPA) has authority under Section 113 of the Clean Air Act (the Act) to pursue civil penalties for violations of the Section 112(r)(7) Risk Management Program (RMP) regulations found at 40 C.F.R. Part 68. Enclosed is an Expedited Settlement Agreement (ESA) that addresses RMP violations discovered at Petra Chemical Company, Dallas, TX (Respondent), as documented in the enclosed Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Sheet (FORM).

EPA encourages an expeditious settlement of easily correctable violations such as the violations cited in the enclosed ESA. The ESA complies with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits: Final Rule, 40 C.F.R. Part 22 (2002).

You may resolve the cited violations by mailing a check for the penalty as set out below, signing and returning the original ESA within 45 days of your receipt of this letter. EPA, at its discretion, may grant one 45-day extension for cause upon request. Please be advised that the ESA contains a discounted, non-negotiable penalty amount, which is lower than the amount that would be derived from EPA's Combined Enforcement Policy for Section 112(r) of the Clean Air Act.

The CESA, when executed by both parties, is binding on EPA and you. Upon receipt of the signed document, EPA will take no further action against you for the violations cited in the ESA. EPA will neither accept nor approve the ESA if returned more than 45 days after the date of your receipt of this letter, unless an extension has been granted by EPA.

If you do not pay the penalty and return the CESA within 45 days of receipt, the CESA will be automatically withdrawn, without prejudice to EPA's ability to file an enforcement action for the cited violations. If you decide not to sign and return the CESA and pay the penalty, EPA can pursue other enforcement measures to correct the violation(s) and seek penalties of up to $27,500 per violation per day.

You are required in the ESA to certify that you have corrected the violation(s) and paid the penalty. The payment for the penalty amount must be in the form of a certified check payable to the "Treasurer, United States of America", with the Docket Number of the ESA on the check. The Docket Number is located at the top of the left column of the ESA.

Payment of the penalty amount shall be sent via certified mail to:

U.S. EPA Region 6
Regional Hearing Clerk (RC-HO)
P.O. Box 371099M
Pittsburgh, PA 15251

The signed original ESA with a **copy of the certified check shall be sent via certified mail to:**

Elizabeth R. Rogers
112(r) Compliance Officer
Superfund Division (6SF-RC)
U.S. Environmental Protection Agency Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

When signing the ESA, please indicate, in the appropriate space, the cost of all actions taken to correct the alleged violations.

By terms of the ESA, and upon EPA's receipt of the signed ESA, you waive your opportunity for a hearing pursuant to Section 113 of the CAA. EPA will treat any response to the ESA, other than acceptance of the settlement offer, as an indication that the recipient is not interested in pursuing this expedited settlement procedure.

If you have any questions relating to this ESA, please contact Bob Goodfellow at 214.665.6632 or by e-mail at GOODFELLOW.BOB@EPA.GOV.

Sincerely yours,

James L. Graham Jr., P.E.
Enforcement Coordinator

Enclosures (3)

7003 0500 0003 0875 4781

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	$
Certified Fee	
Return Reciept Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

ESA

Postmark Here

Sent To: A.C. Musgrave - Petra Chem
Street, Apt. No.; or PO Box No: 2929 Storey Ln
City, State, ZIP+4: Dallas, Tx 75220-4515

PS Form 3800, June 2002 — See Reverse for Instructions

ESA

SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "*Return Receipt Requested*" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. A.C. Musgrave, III, President
Petra Chemical Company
2929 Storey Lane
Dallas, TX 75220-4515

4a. Article Number: 7003 0500 0003 0875 4781

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery: 4-9-05

5. Received By: *(Print Name)* D Knowles

8. Addressee's Address *(Only if requested and fee is paid)*

6. Signature: *(Addressee or Agent)*
X D Knowles

PS Form **3811**, December 1994 E. ROGERS — Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

● Print your name, address, and ZIP Code in this box ●

U. S. Environmental Protection Agency
Superfund Division (6SF-RC)
1445 Ross Avenue, 12th Floor
Dallas, Texas 75202
Attn: E. ROGERS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO: 06-2005-3527
This complaint is issued to: Petra Chemical Company
At: 2929 Storey Lane, Dallas, TX
for violating Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 6, by its duly delegated official, the Director, Superfund Division, and by Respondent pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On August 13, 2003, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. §7413(d)(1), to pursue this administrative enforcement action.

On February 24, 2005, an authorized representative of the EPA conducted a compliance inspection of the subject facility (Respondent) to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that the Respondent had violated regulations implementing Section112(r) of the Act by failing to comply with the regulations as noted on the attached RISK MANAGEMENT PLAN INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET ("FORM"), which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record the parties enter into the ESA in order to settle the violations, described in the attached FORM for the total penalty amount of **$2,310.00.**

This settlement is subject to the following terms and conditions:

The Respondent by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C §7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed in the attached FORM and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **$2,310.00** in payment of the full penalty amount to the following address:

U.S. EPA Region 6
Regional Hearing Clerk (RC-HO)
P.O. Box 371099M
Pittsburgh, PA 15251

The DOCKET NUMBER OF THIS EXPEDITED SETTLEMENT AGREEMENT must be included on the certified check. (The DOCKET NUMBER is located at the top left corner of this Expedited Settlement Agreement.)

This original Settlement Agreement and a **copy of the certified check must be sent by certified mail to:**

Elizabeth R. Rogers
112(r) Compliance Officer
Superfund Division (6SF-RC)
U.S. Environmental Protection Agency Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Upon the Respondent's signing and submission of this Settlement Agreement, EPA will take no further action against the Respondent for the alleged violations of the Clean Air Act described in the above Form. EPA does not waive any enforcement action by EPA for any other past, present, or future violations under the Clean Air Act or any other statute.

If the Settlement Agreement with an attached copy of the certified check is not returned to the EPA Region 6 office at the above address in correct form by the Respondent within 45 days of the date of the receipt of this Settlement Agreement, the Complaint and Expedited Settlement Agreement is withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the violations identified in this Settlement Agreement.

Respondent has the right to request a hearing on any material fact or on the appropriateness of the penalty contained in this complaint pursuant to 40 CFR § 22.14. Upon signing and returning of this Settlement Agreement to EPA, the Respondent waives the opportunity for a hearing pursuant to Section 113(d)(2)(A) of the Clean Air Act, 42 U.S.C. § 7413(d)(2)(A).

This Settlement Agreement is binding on the EPA and the Respondent signing below. By signing below, the Respondent waives any objections to EPA's jurisdiction with respect to the Settlement Agreement and consents to EPA's approval of this Settlement Agreement without further notice. This Settlement Agreement is effective upon the Regional Administrator's signature.

Pamela Phillips, Acting _____ Date: April 6, 2005

Samuel Coleman, P. E.
Director
Superfund Division

It is so ORDERED. This Order shall become effective upon filing of the fully executed Complaint and Expedited Settlement Agreement.

_____ Date: _____

Richard E. Greene
Regional Administrator

SIGNATURE BY RESPONDENT:

Signature: _____ Date: _____

Name (print): _____

Title (print): _____

Cost of Corrective Actions: _____

R6 REV.

U.S. ENVIRONMENTAL PROTECTION AGENCY
1445 ROSS AVE., SUITE 1200
DALLAS, TX 75202-2733

Petra Chemical Company
Dallas, TX
PROPOSED PENALTY WORKSHEET

$2,310.00 = $3,300.00(0.7)
Adjusted Penalty = Unadjusted Penalty X Size-Threshold Quantity Multiplier

The Unadjusted Penalty is calculated by adding up all the penalties listed on the Risk Management Program Inspections Findings, Alleged Violations and Proposed Penalty Sheet.

The Size-Threshold Quantity multiplier is a factor that considers the size of the facility and the amount of regulated chemicals at the facility.

The Proposed Penalty is the amount of the non-negotiable penalty that is calculated by multiplying the Total Penalty and the Size/Threshold Quantity multiplier.

Example:

XYZ Facility has 24 employees and 7 times the threshold amount for the particular chemical in question. After adding the penalty numbers in the Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Sheet an unadjusted penalty of $4700 is derived.

Calculation of Adjusted Penalty

1st Reference the Multipliers for calculating proposed penalties for violations found during RMP inspection matrix. Finding the column for 21-50 employees and the row for 5- 10 times the threshold quantity amount gives a multiplier factor of 0.4. Therefore, the multiplier for XYZ Facility = 0.4.

2nd Use the Adjusted Penalty formula

Adjusted Penalty = $4700 (Unadjusted Penalty) X 0.4 (Size-Threshold Multiplier)
Adjusted Penalty = $1880

3rd An Adjusted Penalty of $1880 would be assessed to XYZ Facility for Violations found during the RMP Compliance Inspection. This amount will be found in the Complaint and Expedited Settlement Agreement (CESA)

U.S. Environmental Protection Agency
Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET

REASON FOR INSPECTION: This inspection is for the purpose of determining compliance with Section 112(r)(7) accidental release prevention requirements of the Clean Air Act, as amended 1990. The scope of this inspection may include, but is not limited to: reviewing and obtaining copies of documents and records; interviews and taking of statements; reviewing of chemical storage, handling, processing, and use; taking samples and photographs; and any other inspection activities necessary to determine compliance with the Act.

Facility Name: **Petra Chemical Company**	☑ Private ☐ Government/Municipal # of Employees: 20 Population Served: 0 Contractors/Others:
Mailing Address: **2929 Storey Lane Dallas, TX 75220-4515**	Inspection Start Date and Time: **February 24, 2005 at 9:00 AM**
Physical Address: **2929 Storey Lane Dallas, TX 75220-4515**	
E-Mail Address: **cmusgrave@petrachem.com**	Inspection End Date and Time: **February 24, 2005 at 5:00 PM**
Responsible Official, Title, Phone Number: **Mr. A.C. "Cliff" Musgrave, III, President, (214) 352-1900**	EPA Facility ID#: **1000 0012 0193**
Facility Representative(s), Title(s), Phone Number(s): **Mr. John Smithson, Vice President (214) 352-1900** **Mr. Igor Schnayder, Consultant - Sage (972) 480-9800**	Inspector Name(s), Title(s), Phone Number(s): **Bill Andrews, RMP Inspector (214) 665-6493**
Inspection Report Reviewer Signature Date	Inspector Signature Date

Inspection Findings

IS FACILITY SUBJECT TO RMP REGULATION (40 CFR 68)?					☑Y	☐N
DID FACILITY SUBMIT AN RMP AS PROVIDED IN 68.150 TO 68.185? DATE RMP FILED WITH EPA: 6/22/1999				DATE OF LATEST RMP: 11/22/2004	☑Y	☐N
1)	PROCESS/NAICS CODE: Polish and Other Sanitation good Mfg/325612	PROGRAM LEVEL: 1 ☐	2 ☐	3 ☑		
	REGULATED SUBSTANCE: Chlorine	MAXIMUM QUANTITY IN PROCESS: 185,000 (lbs)				
2)	PROCESS/NAICS CODE:	PROGRAM LEVEL: 1 ☐	2 ☐	3 ☐		
	REGULATED SUBSTANCE:	MAXIMUM QUANTITY IN PROCESS: (lbs)				
3)	PROCESS/NAICS CODE:	PROGRAM LEVEL: 1 ☐	2 ☐	3 ☐		
	REGULATED SUBSTANCE:	MAXIMUM QUANTITY IN PROCESS: (lbs)				
4)	PROCESS/NAICS CODE:	PROGRAM LEVEL: 1 ☐	2 ☐	3 ☐		
	REGULATED SUBSTANCE:	MAXIMUM QUANTITY IN PROCESS: (lbs)				
5)	PROCESS/NAICS CODE:	PROGRAM LEVEL: 1 ☐	2 ☐	3 ☐		
	REGULATED SUBSTANCE:	MAXIMUM QUANTITY IN PROCESS: (lbs)				
DID THE FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES?					☐Y	☐N

ATTACHED CHECKLIST(S):

☐ PROGRAM LEVEL 1 CHECKLIST ☐ PROGRAM LEVEL 2 CHECKLIST ☑ PROGRAM LEVEL 3 CHECKLIST

OTHER ATTACHMENTS:

COMMENTS:

RMP Program Level 3 Process Checklist **Facility Name: Petra Chemical Company**

RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET

Section A – Management [68.15]

Management system developed and implemented as provided in 40 CFR 68.15? Comments:	☑S	☐M	☐U	☐N/A

Has the owner or operator:

1. Developed a management system to oversee the implementation of the risk management program elements? [68.15(a)]	☑Y	☐N	☐N/A	
2. Assigned a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements? [68.15(b)]	☑Y	☐N	☐N/A	
3. Documented other persons responsible for implementing individual requirements of the risk management program and defined the lines of authority through an organization chart or similar document? [68.15(c)]	☑Y	☐N	☐N/A	

Section B: Hazard Assessment [68.20-68.42]

Hazard assessment conducted and documented as provided in 40 CFR 68.20-68.42? Comments:	☑S	☐M	☐U	☐N/A

Hazard Assessment: Offsite consequence analysis parameters [68.22]

1. Used the following endpoints for offsite consequence analysis for a worst-case scenario: [68.22(a)] ☐ For toxics: the endpoints provided in Appendix A of 40 CFR Part 68? [68.22(a)(1)] ☐ For flammables: an explosion resulting in an overpressure of 1 psi? [68.22(a)(2)(i)]; or ☐ For flammables: a fire resulting in a radiant heat/exposure of 5 kw/m^2 for 40 seconds? [68.22(a)(2)(ii)] ☐ For flammables: a concentration resulting in a lower flammability limit, as provided in NFPA documents or other generally recognized sources? [68.22(a)(2)(iii)]	☑Y	☐N	☐N/A
2. Used the following endpoints for offsite consequence analysis for an alternative release scenario: [68.22(a)] ☐ For toxics: the endpoints provided in Appendix A of 40 CFR Part 68? [68.22(a)(1)] ☐ For flammables: an explosion resulting in an overpressure of 1 psi? [68.22(a)(2)(i)] ☐ For flammables: a fire resulting in a radiant heat/exposure of 5 kw/m^2 for 40 seconds? [68.22(a)(2)(ii)] ☐ For flammables: a concentration resulting in a lower flammability limit, as provided in NFPA documents or other generally recognized sources? [68.22(a)(2)(iii)]	☑Y	☐N	☐N/A
3. Used appropriate wind speeds and stability classes for the release analysis? [68.22(b)]	☑Y	☐N	☐N/A
4. Used appropriate ambient temperature and humidity values for the release analysis? [68.22(c)]	☑Y	☐N	☐N/A
5. Used appropriate values for the height of the release for the release analysis? [68.22(d)]	☑Y	☐N	☐N/A
6. Used appropriate surface roughness values for the release analysis? [68.22(e)]	☑Y	☐N	☐N/A
7. Do tables and models, used for dispersion analysis of toxic substances, appropriately account for dense or neutrally buoyant gases? [68.22(f)]	☑Y	☐N	☐N/A
8. Were liquids, other than gases liquefied by refrigeration only, considered to be released at the highest daily maximum temperature, based on data for the previous three years appropriate for a stationary source, or at process temperature, whichever is higher? [68.22(g)]	☐Y	☐N	☑N/A

Hazard Assessment: Worst-case release scenario analysis [68.25]

9. Analyzed and reported in the RMP one worst-case release scenario estimated to create the greatest distance to an endpoint resulting from an accidental release of a regulated toxic substance from covered processes under worst-case conditions? [68.25(a)(2)(i)]	☑Y	☐N	☐N/A
10. Analyzed and reported in the RMP one worst-case release scenario estimated to create the greatest distance to an endpoint resulting from an accidental release of a regulated flammable substance from covered processes under worst-case conditions? [68.25(a)(2)(ii)]	☐Y	☐N	☑N/A
11. Analyzed and reported in the RMP additional worst-case release scenarios for a hazard class if the worst-case release from another covered process at the stationary source potentially affects public receptors different from those potentially affected by the worst-case release scenario developed under 68.25(a)(2)(i) or 68.25(a)(2)(ii)? [68.25(a)(2)(iii)]	☐Y	☐N	☑N/A
12. Has the owner or operator determined the worst-case release quantity to be the greater of the following: [68.25(b)] ☑ If released from a vessel, the greatest amount held in a single vessel, taking into account administrative controls that limit the maximum quantity? [68.25(b)(1)] ☐ If released from a pipe, the greatest amount held in the pipe, taking into account administrative controls that limit the maximum quantity? [68.25(b)(2)]	☑Y	☐N	☐N/A
13.a. Has the owner or operator for toxic substances that are normally gases at ambient temperature and handled as a gas or liquid under pressure:			
13.a.(1) Assumed the whole quantity in the vessel or pipe would be released as a gas over 10 minutes? [68.25(c)(1)]	☑Y	☐N	☐N/A
13.a.(2) Assumed the release rate to be the total quantity divided by 10, if there are no passive mitigation systems in place? [68.25(c)(1)]	☑Y	☐N	☐N/A
13.b. Has the owner or operator for toxic gases handled as refrigerated liquids at ambient pressure:			
13.b.(1) Assumed the substance would be released as a gas in 10 minutes, if not contained by passive mitigation systems or if the contained pool would have a depth of 1 cm or less? [68.25(c)(2)(i)]	☐Y	☐N	☑N/A
13.b.(2) [Optional for owner / operator] Assumed the quantity in the vessel or pipe would be spilled instantaneously to form a liquid pool, if the released substance would be contained by passive mitigation systems in a pool with a depth greater than 1 cm? [68.25(c)(2)(ii)]	☐Y	☐N	☑N/A
13.b.(3) Calculated the volatilization rate at the boiling point of the substance and at the conditions specified in 68.25(d)? [68.25(c)(2)(ii)]	☐Y	☐N	☑N/A
13.c. Has the owner or operator for toxic substances that are normally liquids at ambient temperature:			
13.c.(1) Assumed the quantity in the vessel or pipe would be spilled instantaneously to form a liquid pool? [68.25(d)(1)]	☐Y	☐N	☑N/A
13.c.(2) Determined the surface area of the pool by assuming that the liquid spreads to 1 cm deep, if there is no passive mitigation system in place that would serve to contain the spill and limit the surface area, or if passive mitigation is in place, was the surface area of the contained liquid used to calculate the volatilization rate? [68.25(d)(1)(i)]	☐Y	☐N	☑N/A
13.c.(3) Taken into account the actual surface characteristics, if the release would occur onto a surface that is not paved or smooth? [68.25(d)(1)(ii)]	☐Y	☐N	☑N/A
13.c.(4) Determined the volatilization rate by accounting for the highest daily maximum temperature in the past three years, the temperature of the substance in the vessel, and the concentration of the substance if the liquid spilled is a mixture or solution? [68.25(d)(2)]	☐Y	☐N	☑N/A
13.c.(5) Determined the rate of release to air from the volatilization rate of the liquid pool? [68.25(d)(3)]	☐Y	☐N	☑N/A

13.c.(6) Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.25(d)(3)] What modeling technique did the owner or operator use? [68.25(g)] _____	☐Y	☐N	☑N/A
13.d. Has the owner or operator for flammables:			
13.d.(1) Assumed the quantity in a vessel(s) of flammable gas held as a gas or liquid under pressure or refrigerated gas released to an undiked area vaporizes resulting in a vapor cloud explosion? [68.25(e)]	☐Y	☐N	☑N/A
13.d.(2) For refrigerated gas released to a contained area or liquids released below their atmospheric boiling point, assumed the quantity volatilized in 10 minutes results in a vapor cloud? [68.25(f)]	☐Y	☐N	☑N/A
13.d.(3) Assumed a yield factor of 10% of the available energy is released in the explosion for determining the distance to the explosion endpoint, if the model used is based on TNT-equivalent methods? [68.25(e)]	☐Y	☐N	☑N/A
14. Used the parameters defined in 68.22 to determine distance to the endpoints? [68.25(g)]	☑Y	☐N	☐N/A
15. Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.25(g)] What modeling technique did the owner or operator use? [68.25(g)] **RMP Comp**	☑Y	☐N	☐N/A
16. Ensured that the passive mitigation system, if considered, is capable of withstanding the release event triggering the scenario and will still function as intended? [68.25(h)]	☐Y	☐N	☑N/A
17. Considered also the following factors in selecting the worst-case release scenarios: [68.25(i)] ☐ Smaller quantities handled at higher process temperature or pressure? [68.25(i)(1)] ☐ Proximity to the boundary of the stationary source? [68.25(i)(2)]	☐Y	☐N	☑N/A
Hazard Assessment: Alternative release scenario analysis [68.28]			
18. Identified and analyzed at least one alternative release scenario for each regulated toxic substance held in a covered process(es) and at least one alternative release scenario to represent all flammable substances held in covered processes? [68.28(a)]	☑Y	☐N	☐N/A
19. Selected a scenario: [68.28(b)] ☑ That is more likely to occur than the worst-case release scenario under 68.25? [68.28(b)(1)(i)] ☐ That will reach an endpoint off-site, unless no such scenario exists? [68.28(b)(1)(ii)]	☑Y	☐N	☐N/A
20. Considered release scenarios which included, but are not limited to, the following: [68.28(b)(2)] ☑ Transfer hose releases due to splits or sudden hose uncoupling? [68.28(b)(2)(i)] ☑ Process piping releases from failures at flanges, joints, welds, valves and valve seals, and drains or bleeds? [68.28(b)(2)(ii)] ☐ Process vessel or pump releases due to cracks, seal failure, or drain, bleed, or plug failure? [68.28(b)(2)(iii)] ☑ Vessel overfilling and spill, or overpressurization and venting through relief valves or rupture disks? [68.28(b)(2)(iv)] ☐ Shipping container mishandling and breakage or puncturing leading to a spill? [68.28(b)(2)(v)]	☑Y	☐N	☐N/A

21. Used the parameters defined in 68.22 to determine distance to the endpoints? [68.28(c)]	☑Y	☐N	☐N/A
22. Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.28(c)] What modeling technique did the owner or operator use? [68.25(g)] **RMP Comp**	☑Y	☐N	☐N/A
23. Ensured that the passive and active mitigation systems, if considered, are capable of withstanding the release event triggering the scenario and will be functional? [68.28(d)]	☐Y	☐N	☑N/A
24. Considered the following factors in selecting the alternative release scenarios: [68.28(e)] ☐ The five-year accident history provided in 68.42? [68.28(e)(1)] ☐ Failure scenarios identified under 68.50? [68.28(e)(2)]	☐Y	☐N	☑N/A
Hazard Assessment: Defining off-site impacts–Population [68.30] ***Maps not provided initially, but were received prior to the end of the inspection.***			
25. Estimated population that would be included in the distance to the endpoint in the RMP based on a circle with the point of release at the center? [68.30(a)]	☑Y	☐N	☐N/A
26. Identified the presence of institutions, parks and recreational areas, major commercial, office, and industrial buildings in the RMP? [68.30(b)]	☑Y	☐N	☐N/A
27. Used most recent Census data, or other updated information to estimate the population? [68.30(c)]	☑Y	☐N	☐N/A
28. Estimated the population to two significant digits? [68.30(d)]	☑Y	☐N	☐N/A
Hazard Assessment: Defining off-site impacts–Environment [68.33] ***Maps were not provided initially, but were received prior to the end of the inspection.***			
29. Identified environmental receptors that would be included in the distance to the endpoint based on a circle with the point of release at the center? [68.33(a)]	☑Y	☐N	☐N/A
30. Relied on information provided on local U.S.G.S. maps, or on any data source containing U.S.G.S. data to identify environmental receptors? [Source may have used LandView to obtain information] [68.33(b)]	☑Y	☐N	☐N/A
Hazard Assessment: Review and update [68.36]			
31. Reviewed and updated the off-site consequence analyses at least once every five years? [68.36(a)]	☑Y	☐N	☐N/A
32. Completed a revised analysis and submit a revised RMP within six months of a change in processes, quantities stored or handled, or any other aspect that might reasonably be expected to increase or decrease the distance to the endpoint by a factor of two or more? [68.36(b)]	☑Y	☐N	☐N/A
Hazard Assessment: Documentation [68.39]			
33. For worst-case scenarios: a description of the vessel or pipeline and substance selected, assumptions and parameters used, the rationale for selection, and anticipated effect of the administrative controls and passive mitigation on the release quantity and rate? [68.39(a)]	☑Y	☐N	☐N/A
34. For alternative release scenarios: a description of the scenarios identified, assumptions and parameters used, the rationale for the selection of specific scenarios, and anticipated effect of the administrative controls and mitigation on the release quantity and rate? [68.39(b)]	☑Y	☐N	☐N/A
35. Documentation of estimated quantity released, release rate, and duration of release? [68.39(c)]	☑Y	☐N	☐N/A

36. Methodology used to determine distance to endpoints? [68.39(d)]	☑Y	☐N	☐N/A
37. Data used to estimate population and environmental receptors potentially affected? [68.39(e)]	☑Y	☐N	☐N/A
Hazard Assessment: Five-year accident history [68.42]			
38. Has the owner or operator included all accidental releases from covered processes that resulted in deaths, injuries, or significant property damage on site, or known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage? [68.42(a)]	☐Y	☐N	☑N/A
39. Has the owner or operator reported the following information for each accidental release: [68.42(b)]	☐Y	☐N	☑N/A
☐ Date, time, and approximate duration of the release? [68.42(b)(1)]			
☐ Chemical(s) released? [68.42(b)(2)]			
☐ Estimated quantity released in pounds and percentage weight in a mixture (toxics)? [68.42(b)(3)]			
☐ NAICS code for the process? [68.42(b)(4)]			
☐ The type of release event and its source? [68.42(b)(5)]			
☐ Weather conditions (if known)? [68.42(b)(6)]			
☐ On-site impacts? [68.42(b)(7)]			
☐ Known offsite impacts? [68.42(b)(8)]			
☐ Initiating event and contributing factors (if known)? [68.42(b)(9)]			
☐ Whether offsite responders were notified (if known)? [68.42(b)(10)]			
☐ Operational or process changes that resulted from investigation of the release? [68.42(b)(11)]			

Section C: Prevention Program

Implemented the Program 3 prevention requirements as provided in 40 CFR 68.65 - 68.87? Comments:	☐S	☑M	☐U	☐N/A
Prevention Program- Safety information [68.65]				
1. Has the owner or operator compiled written process safety information, which includes information pertaining to the hazards of the regulated substances used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process, before conducting any process hazard analysis required by the rule? [68.65(a)]	☑Y	☐N	☐N/A	
Does the process safety information contain the following for hazards of the substances: [68.65(b)]				
☑ Material Safety Data Sheets (MSDS) that meet the requirements of the OSHA Hazard Communication Standard [29 CFR 1910.1200(g)]? [68.48(a)(1)]				
☑ Toxicity information? [68.65(b)(1)]				
☑ Permissible exposure limits? [68.65(b)(2)]				
☑ Physical data? [68.65(b)(3)]				
☑ Reactivity data? [68.65(b)(4)]				
☑ Corrosivity data? [68.65(b)(5)]				
☑ Thermal and chemical stability data? [68.65(b)(6)]				
☑ Hazardous effects of inadvertent mixing of materials that could foreseeably occur? [68.65(b)(7)]				

2. Has the owner documented information pertaining to technology of the process? ☑ A block flow diagram or simplified process flow diagram? [68.65(c)(1)(i)] ☐ Process chemistry? [68.65(c)(1)(ii)] ☑ Maximum intended inventory? [68.65(c)(1)(iii)] ☑ Safe upper and lower limits for such items as temperatures, pressures, flows, or compositions? [68.65(c)(1)(iv)] ☑ An evaluation of the consequences of deviation? [68.65(c)(1)(iv)]	☑Y	☐N	☐N/A
3. Does the process safety information contain the following for the equipment in the process: [68.65(d)(1)] ☑ Materials of construction? 68.65(d)(1)(i)] ☑ Piping and instrumentation diagrams [68.65(d)(1)(ii)] ☑ Electrical classification? [68.65(d)(1)(iii)] ☑ Relief system design and design basis? [68.65(d)(1)(iv)] ☑ Ventilation system design? [68.65(d)(1)(v)] ☑ Design codes and standards employed? [68.65(d)(1)(vi)] ☑ Material and energy balances for processes built after June 21, 1999? [68.65(d)(1)(vii)] ☑ Safety systems? [68.65(d)(1)(viii)]	☑Y	☐N	☐N/A
4. Has the owner or operator documented that equipment complies with recognized and generally accepted good engineering practices? [68.65(d)(2)] **No procedure for documentation. The facility must conduct an engineering evaluation of its process-related equipment and determine whether it complies with generally accepted good engineering practices, and generate and retain certification to that fact.**	☐Y	☑N **$750.00**	☐N/A
5. Has the owner or operator determined and documented that existing equipment, designed and constructed in accordance with codes, standards, or practices that are no longer in general use, is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)] **No documentation.**	☐Y	☑N	☐N/A
Prevention Program- Process Hazard Analysis [68.67]			
6. Has the owner or operator performed an initial process hazard analysis (PHA), and has this analysis identified, evaluated, and controlled the hazards involved in the process? [68.67(a)] **dated 2/13/02**	☑Y	☐N	☐N/A
7. Has the owner or operator determined and documented the priority order for conducting PHAs, and was it based on an appropriate rationale? [68.67(a)]	☑Y	☐N	☐N/A
8. Has the owner used one or more of the following technologies to conduct process PHA: [68.67(b)] ☑ What-if? [68.67(b)(1)] ☐ Checklist? [68.67(b)(2)] ☐ What-if/Checklist? [68.67(b)(3)] ☐ Hazard and Operability Study (HAZOP) [68.67(b)(4)] ☐ Failure Mode and Effects Analysis (FMEA) [68.67(b)(5)] ☐ Fault Tree Analysis? [68.67(b)(6)] ☐ An appropriate equivalent methodology? [68.67(b)(7)]	☑Y	☐N	☐N/A

9. Did the PHA address: ☑ The hazards of the process? [68.67(c)(1)] ☑ Identification of any incident that had a likely potential for catastrophic consequences? [68.67(c)(2)] ☐ Engineering and administrative controls applicable to hazards and interrelationships?[68.67(c)(3)] ☑ Consequences of failure of engineering and administrative controls? [68.67(c)(4)] ☑ Stationary source siting? [68.67(c)(5)] ☑ Human factors? [68.67(c)(6)] ☑ An evaluation of a range of the possible safety and health effects of failure of controls? [68.67(c)(7)]	☑Y	☐N	☐N/A
10. Was the PHA performed by a team with expertise in engineering and process operations and did the team include appropriate personnel? [68.67(d)]	☑Y	☐N	☐N/A
11. Has the owner or operator established a system to promptly address the team's findings and recommendations; assured that the recommendations are resolved in a timely manner and documented; documented what actions are to be taken; completed actions as soon as possible; developed a written schedule of when these actions are to be completed; and communicated the actions to operating, maintenance, and other employees whose work assignments are in the process and who may be affected by the recommendations? [68.67(e)] **no system in place. The facility must develop a system to prioritize PHA findings and develop a schedule for implementing its recommendations.**	☐Y	☑N **$750.00**	☐N/A
12. Has the PHA been updated and revalidated by a team every five years after the completion of the initial PHA to assure that the PHA is consistent with the current process? [68.67(f)]	☑Y	☐N	☐N/A
13. Has the owner or operator retained PHAs and updates or revalidations for each process covered, as well as the resolution of recommendations for the life of the process? [68.67(g)] **The facility should make an effort to locate the previous PHA and retain it on site. Failing that, the facility must develop a record keeping protocol that guarantees that all subsequent PHAs are retained for the life of the covered process(es).**	☐Y	☑N **$300.00**	☐N/A
Prevention Program- Operating procedures [68.69]			
14. Has the owner or operator developed and implemented written operating procedures that provide instructions or steps for conducting activities associated with each covered process consistent with the safety information? [68.69(a)]	☑Y	☐N	☐N/A

15 Do the procedures address the following: [68.69(a)] Steps for each operating phase: [68.69(a)(1)] ☑ Initial Startup? [68.69(a)(1)(i)] ☑ Normal operations? [68.69(a)(1)(ii)] ☑ Temporary operations? [68.69((a)(1)(iii)] ☑ Emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner? [68.69(a)(1)(iv)] ☑ Emergency operations? [68.69(a)(1)(v)] ☑ Normal shutdown? [68.68(a)(1)(vi)] ☑ Startup following a turnaround, or after emergency shutdown? [68.69(a)(1)(vii)] Operating limits: [68.69(a)(2)] ☑ Consequences of deviations [68.69(a)(2)(i)] ☑ Steps required to correct or avoid deviation? [68.69(a)(2)(ii)] Safety and health considerations: [68.69(a)(3)] ☑ Properties of, and physical hazards presented by, the chemicals used in the process [68.69(a)(3)(i)] ☑ Precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment? [68.69(a)(3)(ii)] ☑ Control measures to be taken if physical contact or airborne exposure occurs? [68.69(a)(3)(iii)] ☑ Quality control for raw materials and control of hazardous chemical inventory levels? [68.69(a)(3)(iv)] ☑ Any special or unique hazards? [68.69(a)(3)(v)] ☑ Safety systems and their functions? [68.69(a)(4)]	☑Y	☐N	☐N/A
16. Are operating procedures readily accessible to employees who are involved in a process? [68.69(b)]	☑Y	☐N	☐N/A
17. Has the owner or operator certified annually that the operating procedures are current and accurate and that procedures have been reviewed as often as necessary? [68.69(c)]	☑Y	☐N	☐N/A
18. Has the owner or operator developed and implemented safe work practices to provide for the control of hazards during specific operations, such as lockout/tagout? [68.69(d)]	☑Y	☐N	☐N/A
Prevention Program - Training [68.71]			
19 Has each employee involved in operating a process, and each employee before being involved in operating a newly assigned process, been initially trained in an overview of the process and in the operating procedures? [68.71(a)(1)]	☑Y	☐N	☐N/A
20. Did initial training include emphasis on safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks? [68.71(a)(1)]	☑Y	☐N	☐N/A
21. In lieu of initial training for those employees already involved in operating a process on June 21, 1999, an owner or operator may certify in writing that the employee has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as specified in the operating procedures [68.71(a)(2)]	☑Y	☐N	☐N/A
22. Has refresher training been provided at least every three years, or more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process? [68.71(b)]	☑Y	☐N	☐N/A

23. Has owner or operator ascertained and documented in record that each employee involved in operating a process has received and understood the training required? [68.71(c)]	☑Y	☐N	☐N/A
24. Does the prepared record contain the identity of the employee, the date of the training, and the means used to verify that the employee understood the training? [68.71(c)]	☑Y	☐N	☐N/A
Prevention Program - Mechanical Integrity [68.73]			
25. Has the owner or operator established and implemented written procedures to maintain the on-going integrity of the process equipment listed in 68.73(a)? [68.73(b)]	☑Y	☐N	☐N/A
26. Has the owner or operator trained each employee involved in maintaining the on-going integrity of process equipment? [68.73(c)]	☑Y	☐N	☐N/A
27. Performed inspections and tests on process equipment? [68.73(d)(1)]	☑Y	☐N	☐N/A
28. Followed recognized and generally accepted good engineering practices for inspections and testing procedures? [68.73(d)(2)]	☑Y	☐N	☐N/A
29. Ensured the frequency of inspections and tests of process equipment is consistent with applicable manufacturers' recommendations, good engineering practices, and prior operating experience? [68.73(d)(3)]	☑Y	☐N	☐N/A
30. Documented each inspection and test that had been performed on process equipment, which identifies the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test? [68.73(d)(4)]	☑Y	☐N	☐N/A
31. Corrected deficiencies in equipment that were outside acceptable limits defined by the process safety information before further use or in a safe and timely manner when necessary means were taken to assure safe operation? [68.73(e)]	☑Y	☐N	☐N/A
32. Assured that equipment as it was fabricated is suitable for the process application for which it will be used in the construction of new plants and equipment? [68.73(f)(1)]	☑Y	☐N	☐N/A
33. Performed appropriate checks and inspections to assure that equipment was installed properly and consistent with design specifications and the manufacturer's instructions? [68.73(f)(2)]	☑Y	☐N	☐N/A
34. Assured that maintenance materials, spare parts and equipment were suitable for the process application for which they would be used? [68.73(f)(3)]	☑Y	☐N	☐N/A
Prevention Program - Management Of Change [68.75] *No documentation*			
35. Has the owner or operator established and implemented written procedures to manage changes to process chemicals, technology, equipment, and procedures, and changes to stationary sources that affect a covered process? [68.75(a)] **The facility must develop a written, formal Management of Change process. This process is required to be in place even if no changes are currently anticipated.**	☐Y	☑N **$750.00**	☐N/A
36. Do procedures assure that the following considerations are addressed prior to any change: [68.75(b)] ☐ The technical basis for the proposed change? [68.75(b)(1)] ☐ Impact of change on safety and health? [68.75(b)(2)] ☐ Modifications to operating procedures? [68.75(b)(3)] ☐ Necessary time period for the change? [68.75(b)(4)] ☐ Authorization requirements for the proposed change? [68.75(b)(5)]	☐Y	☐N	☑N/A
37. Were employees, involved in operating a process and maintenance, and contract employees, whose job tasks would be affected by a change in the process, informed of, and trained in, the change prior to start-up of the process or affected parts of the process? [68.75(c)]	☐Y	☐N	☑N/A

38. If a change resulted in a change in the process safety information, was such information updated accordingly? [68.75(d)]	☐Y	☐N	☑N/A
39. If a change resulted in a change in the operating procedures or practices, had such procedures or practices been updated accordingly? [68.75(e)]	☐Y	☐N	☑N/A
Prevention Program - Pre-startup Safety Review [68.77]			
40. If the facility installed a new stationary source, or significantly modified an existing source, (as discussed at 68.77(a)) did it perform a pre-startup safety review prior to the introduction of a regulated substance to a process to confirm: [68.77(b)] ☐ Construction and equipment was in accordance with design specifications? [68.77(b)(1)] ☐ Safety, operating, maintenance, and emergency procedures were in place and were adequate? [68.77(b)(2)] ☐ For new stationary sources, a process hazard analysis had been performed and recommendations had been resolved or implemented before startup? [68.77(b)(3)] ☐ Modified stationary sources meet the requirements contained in management of change? [68.77(b)(3)] ☐ Training of each employee involved in operating a process had been completed? [68.77(b)(4)]	☐Y	☐N	☑N/A
Prevention Program - Compliance audits [68.79]			
41. Has the owner or operator certified that the stationary source has evaluated compliance with the provisions of the prevention program at least every three years to verify that the developed procedures and practices are adequate and being followed? [68.79(a)] **Last certification Dec '04, none earlier. The facility must develop procedures to ensure that Compliance Audits are conducted at least once every three years.**	☐Y	☑N **$300.00**	☐N/A
42. Has the audit been conducted by at least one person knowledgeable in the process? [68.79(b)]	☑Y	☐N	☐N/A
43. Are the audit findings documented in a report? [68.79(c)]	☑Y	☐N	☐N/A
44. Has the owner or operator promptly determined and documented an appropriate response to each of the findings of the audit and documented that deficiencies had been corrected? [68.79(d)] **No deficiencies found.**	☐Y	☐N	☑N/A
45. Has the owner or operator retained the two most recent compliance reports? [68.79(e)]	☐Y	☑N	☐N/A
Prevention Program - Incident investigation [68.81]			
46. Has the owner or operator investigated each incident that resulted in, or could reasonably have resulted in a catastrophic release of a regulated substance? [68.81(a)]	☑Y	☐N	☐N/A
47. Were all incident investigations initiated not later than 48 hours following the incident? [68.81(b)]	☑Y	☐N	☐N/A
48. Was an accident investigation team established and did it consist of at least one person knowledgeable in the process involved, including a contract employee if the incident involved work of a contractor, and other persons with appropriate knowledge and experience to thoroughly investigate and analyze the incident? [68.81(c)]	☑Y	☐N	☐N/A
49. Was a report prepared at the conclusion of every investigation? [68.81(d)]	☑Y	☐N	☐N/A
50. Does every report include: [68.81(d)] ☐ Date of incident? [68.81(d)(1)] ☐ Date investigation began? [68.81(d)(2)] ☐ A description of the incident? [68.81(d)(3)] ☐ The factors that contributed to the incident? [68.81(d)(4)] ☐ Any recommendations resulting from the investigation? [68.81(d)(5)]	☑Y	☐N	☐N/A

51. Has the owner or operator established a system to address and resolve the report findings and recommendations, and are the resolutions and corrective actions documented? [68.81(e)]	☑Y	☐N	☐N/A
52. Was the report reviewed with all affected personnel whose job tasks are relevant to the incident findings including contract employees where applicable? [68.81(f)]	☑Y	☐N	☐N/A
53. Has the owner or operator retained incident investigation reports for at least five years? [68.81(g)]	☑Y	☐N	☐N/A

Section D - Employee Participation [68.83]

1. Has the owner or operator developed a written plan of action regarding the implementation of the employee participation required by this section? [68.83(a)]	☑Y	☐N	☐N/A
2. Has the owner or operator consulted with employees and their representatives on the conduct and development of process hazards analyses and on the development of the other elements of process safety management in chemical accident prevention provisions? [68.83(b)]	☑Y	☐N	☐N/A
3. Has the owner or operator provided to employees and their representatives access to process hazards analyses and to all other information required to be developed under the chemical accident prevention rule? [68.83(c)]	☑Y	☐N	☐N/A

Section E - Hot Work Permit [68.85]

1. Has the owner or operator issued a hot work permit for each hot work operation conducted on or near a covered process? [68.85(a)]	☑Y	☐N	☐N/A
2. Does the permit document that the fire prevention and protection requirements in 29CFR 1910.252(a) have been implemented prior to beginning the hot work operations? [68.85(b)]	☑Y	☐N	☐N/A
3. Does the permit indicate the date(s) authorized for hot work and the object(s) upon which hot work is to be performed? [68.85(b]	☑Y	☐N	☐N/A
4. Are the permits being kept on file until completion of the hot work operations? [68.85(b)]	☑Y	☐N	☐N/A

Section F - Contractors [68.87]

1. Has the owner or operator obtained and evaluated information regarding the contract owner or operator's safety performance and programs when selecting a contractor? [68.87(b)(1)]	☑Y	☐N	☐N/A
2. Informed contract owner or operator of the known potential fire, explosion, or toxic release hazards related to the contractor's work and the process? [68.87(b)(2)] **Suggested that the contractor sign off on specialized chlorine training.**	☑Y	☐N	☐N/A
3. Explained to the contract owner or operator the applicable provisions of the emergency response or the emergency action program? [68.87(b)(3)]	☑Y	☐N	☐N/A
4. Developed and implemented safe work practices consistent with §68.69(d), to control the entrance, presence, and exit of the contract owner or operator and contract employees in the covered process areas? [68.87(b)(4)]	☑Y	☐N	☐N/A

Section G - Emergency Response [68.90 - 68.95]

Developed and implemented an emergency response program as provided in 40 CFR 68.90-68.95? Comments:	☑S	☐M	☐U	☐N/A
1. Is the facility designated as a "first responder" in case of an accidental release of regulated substances"	☐Y	☑N	☐N/A	
1.a. If the facility is not a first responder:				

RMP Program Level 3 Process Checklist **Facility Name: Petra Chemical Company**

RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET

1.a.(1)	For stationary sources with any regulated substances held in a process above threshold quantities, is the source included in the community emergency response plan developed under 42 U.S.C. 11003? [68.90(b)(1)] **The facility must work with the local LEPC to ensure that it is included in the community emergency response plan.**	☐Y	☑N **$450.00**	☐N/A
1.a.(2)	For stationary sources with only regulated flammable substances held in a process above threshold quantities, has the owner or operator coordinated response actions with the local fire department? [68.90(b)(2)]	☐Y	☐N	☑N/A
1.a.(3)	Are appropriate mechanisms in place to notify emergency responders when there is need for a response? [68.90(b)(3)]	☑Y	☐N	☐N/A
2.	An emergency response plan is maintained at the stationary source and contains the following? [68.95(a)(1)] ☑ Procedures for informing the public and local emergency response agencies about accidental releases? [68.95(a)(1)(i)] ☐ Documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures? [68.95(a)(1)(ii)] ☐ Procedures and measures for emergency response after an accidental release of a regulated substance? [68.95(a)(1)(iii)]	☑Y	☐N	☐N/A
3.	The emergency response plan contains procedures for the use of emergency response equipment and for its inspection, testing, and maintenance? [68.95(a)(2)]	☑Y	☐N	☐N/A
4.	The emergency response plan requires, and there is documentation of, training for all employees in relevant procedures? [68.95(a)(3)]	☑Y	☐N	☐N/A
5.	The owner or operator has developed and implemented procedures to review and update, as appropriate, the emergency response plan to reflect changes at the stationary source and ensure that employees are informed of changes? [68.95(a)(4)]	☐Y	☐N	☑N/A
6.	Did the owner or operator use a written plan that complies with other Federal contingency plan regulations or is consistent with the approach in the National Response Team's Integrated Contingency Plan Guidance (''One Plan'')? If so, does the plan include the elements provided in paragraph (a) of 68.95, and also complies with paragraph (c) of 68.95? [68.95(b)]	☐Y	☐N	☑N/A
7.	Has the emergency response plan been coordinated with the community emergency response plan developed under EPCRA? [68.95(c)]	☐Y	☐N	☑N/A

Section H – Updates [40 CFR 68.190]

1.	Has the owner or operator reviewed and updated the RMP and submitted it to EPA [68.190(a)]? Reason for update: ☑ Five-year update. [68.190(b)(1)] ☐ Within three years of a newly regulated substance listing. [68.190(b)(2)] ☐ At the time a newly regulated substance is first present in an already regulated process above threshold quantities. [68.190(b)(3)] ☐ At the time a regulated substance is first present in an already regulated process above threshold quantities. [68.190(b)(4)] ☐ Within six months of a change requiring revised PHA or hazard analysis. [68.190(b)(5)] ☐ Within six months of a change requiring a revised OCA as provided in 68.36. [68.190(b)(6)] ☐ Within six months of a change that alters the Program level that applies to any covered process. [68.190(b)(7)]	☑Y	☐N	☐N/A

Section I – Required Corrections [40 CFR 68.195]

1.	If the owner or operator experienced an accidental release that met the five-year accident history reporting criteria (as described at 68.42) subsequent to April 9, 2004, did the owner or operator submit the information required at 68.168, 68.170(j) and 68.175(l) within six months of the release or by the time the RMP was updated as required at 68.190, whichever was earlier. [68.195(a)]	☐Y	☐N	☑N/A
2.	If the emergency contact information required at 68.160(b)(6) has changed since June 21, 2004, did the owner or operator submit corrected information within thirty days of the change? [68.195(b)]	☐Y	☐N	☑N/A

Total Unadjusted Penalty - $3,300.00

FY 2004 Inspection Conclusion Data Sheet (ICDS) Form for ICIS Reporting

* Data elements required to be completed for the ICIS system
** Data elements required for Inspection Conclusion Data Sheet reporting
Data elements that do not have asterisks are optional

For Data Entry Staff Use Only

- Date information is Entered into ICIC (mm/dd/year):

EPA Inspector Name: Bill Andrews

EBA Inspector Phone: (214) 665-6493

THIS FORM MIRRORS THE FORMAT OF THE ICIS DATA ELEMENTS

1. ***Compliance Activity Type:** Compliance Inspection
2. ***Compliance Monitoring Activity Name:** Petra Chemical Company (Small Business)
3. **Compliance Monitoring Type:** CAA 112(r)(7) Inspection (i.e. Site Visit)
4. ***Region:** 6
5. ***Facility's Name and Location:** Petra Chemical Company - Dallas, TX
6. **Planned Start:** (mm dd,yyyy)
7. **Planned End:** (mm dd, yyyy)
8. ****Actual Start:** 2/24/2005 (mm dd, yyyy)
9. ****Actual End:** 2/24/2005 (mm dd, yyyy)
10. ***Federal Statutes:** CAA
11. ***Sections:** CAA 112(r)(7) Prevention of Accidental Release/Risk Management Plans
12. ****Citations:** 40 CFR Part 68
13. ***Programs:** No Entry Needed
14. ****SIC (4-Digit)** _ or **NAICS Code (5-Digit)** 325612
15. **Media Monitored:** None
16. ***Compliance Monitoring Action Reason:**
    Agency Priority ☐ Citizen Complaint/Tip ☐ Core Program ☑
    Selected Monitoring Action ☐ Random Evaluation or Inspection ☐
17. ***Compliance Monitoring Agency Type:** EPA
18. **If State, local or Tribal lead, did EPA assist:** Does not apply to ICDS activity. Leave Box Blank
19. **Number of days physically conducting the activity:** 1

20. **Number of hours physically conducting the activity: 08:00**

21. **Compliance Monitoring Action Outcome:** Check *one* (if known at the time of the activity)
Administrative ☐ Immediately Corrected ☐ Judicial ☐ No Violation ☐
No Compliance Monitoring (access denied) ☐ No Compliance Monitoring (facility closed) ☐
Not Immediately Corrected ☑ Notice of Determination ☐ Under Review ☐ Withdrawn ☐

22. **MOA Priorities: (Circle only one that applies from the following)**

23. **Regional Priorities: EPCRA and CAA Section 112(r) Accident History by Facility**

24. ****Did you observe deficiencies (Potential violations) during the on-site inspection? Yes ☑ No ☐**

****If you observed deficiencies, did you communicate them to the facility during the inspection? Yes ☑ No ☐**

****If deficiencies were observed, select one or more of the following:**

☐ Potential violation of a compliance schedule in an enforceable order
☑ Potential failure to maintain a record or failure to disclose a document
☐ Potential failure to maintain/inspect/repair equipment, including meters, sensors and recording equipment
☑ Potential failure to complete or submit a notification, report, certification or manifest
☐ Potential failure to obtain a permit, product approval, or certification
☐ Potential failure to follow a required sampling or monitoring procedure or laboratory procedure
☑ Potential failure to follow or develop a required management practice or procedure
☐ Potential failure to identify and manage a regulated waste or pollutant in any media
☐ Potential failure to report regulated events, such as spills, accidents, etc
☐ Potential incorrect use of a material (e.g. pesticide, waste product)or use of improper/unapproved material
☐ Potential failure to follow a permit condition
☐ Potential excess emission in violation of a regulation

25. ****Did you observe or see the facility take any actions during the inspection to address the deficiencies communicated to the facility? Yes ☐ No ☑**

If yes, check only the action(s) actually observed/seen and/or write a short description of the action in the "Optional" section. (Check all of the actions that apply)

Action(s) Taken:

☐ Complete(d) a Notification or Report
☐ Correct(ed) Monitoring Deficiencies
☐ Correct(ed) Record Keeping Deficiencies
☐ Implemented New or Improved Management Practices or Procedures
☐ Improved Pollutant Identification (e.g., Labeling, Manifesting, Storage, etc)
☐ Reduced Pollution (e.g., Use Reduction, Industrial Process Change, Emissions or Discharge Change, etc)
☐ Requested a Permit Application or Applied for a Permit
☐ Verified Compliance with Previously Issued Enforcement Action – Part or All Conditions

The following common air or water pollutants should only be checked if the "Reduced Pollution" action was checked.

Water: Ammonia ☐, BOD ☐, COD ☐, TSS ☐, O&G ☐, Total Coliform ☐, D.O. ☐, Metals V, Cyanide ☐
Other:

Air: NOx ☐, SO2 ☐ PM ☐ VOC ☐ Metals ☐ HAPs ☐ CO ☐
Other:

26. **Did you provide general compliance assistance in accordance with the policy on the Role of the EPA Inspector in Providing Compliance Assistance During Inspection? Yes ☐ No ☐**

27. **Did you provide site-specific compliance assistance in accordance with the policy on the Role of the EPA Inspector in Providing Compliance Assistance During Inspections?** **Yes ☐** **No ☐**

Note: This form does not require EPA inspectors to provide compliance assistance.

Optional Information: (Describe actions taken by the facility or assistance provided to the facility)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

APR 0 6 2005

Mr. A. C. "Cliff" Musgrave, III, President
Petra Chemical Company
2929 Storey Lane
Dallas, TX 75220-4515

Re: EPA Facility ID# 1000 0012 0193

Dear Mr. Musgrave:

Enclosed is a copy of the Risk Management Plan Compliance Evaluation Inspection Report for the inspection conducted at your facility on February 24, 2005.

Sincerely yours,

Bob Goodfellow
Response and Prevention Branch
Region 6

Enclosure

U.S. Environmental Protection Agency
Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

NOTICE OF INSPECTION

REASON FOR INSPECTION: This inspection is for the purpose of determining compliance with Section 112(r)(7) accidental release prevention requirements of the Clean Air Act, as amended 1990. The scope of this inspection may include, but is not limited to: reviewing and obtaining copies of documents and records; interviews and taking of statements; reviewing of chemical storage, handling, processing, and use; taking samples and photographs; and any other inspection activities necessary to determine compliance with the Act.

Facility Name: **Petra Chemical Company**	☑ Private ☐ Government/Municipal # of Employees: 20 Population Served: 0 Contractors/Others:
Mailing Address: **2929 Storey Lane Dallas, TX 75220-4515**	Inspection Start Date and Time: **February 24, 2005 at 9:00 AM**
Physical Address: **2929 Storey Lane Dallas, TX 75220-4515**	Inspection End Date and Time: **February 24, 2005 at 5:00 PM**
E-Mail Address: **cmusgrave@petrachem.com**	
Responsible Official, Title, Phone Number: **Mr. A.C. "Cliff" Musgrave, III, President, (214) 352-1900**	EPA Facility ID#: **1000 0012 0193**
Facility Representative(s), Title(s), Phone Number(s): **Mr. John Smithson, Vice President (214) 352-1900** **Mr. Igor Schnayder, Consultant - Sage (972) 480-9800**	Inspector Name(s), Title(s), Phone Number(s): **Bill Andrews, RMP Inspector (214) 665-6493**
Inspection Report Reviewer Signature Date 4-4-05	Inspector Signature Date 4-4-05

Inspection Findings

IS FACILITY SUBJECT TO RMP REGULATION (40 CFR 68)? ☑Y ☐N

DID FACILITY SUBMIT AN RMP AS PROVIDED IN 68.150 TO 68.185? ☑Y ☐N
DATE RMP FILED WITH EPA: 6/22/1999 DATE OF LATEST RMP: 11/22/2004

1)	PROCESS/NAICS CODE: Polish and Other Sanitation good Mfg/325612	PROGRAM LEVEL: 1 ☐	2 ☐	3 ☑	
	REGULATED SUBSTANCE: Chlorine	MAXIMUM QUANTITY IN PROCESS: 185,000 (lbs)			
2)	PROCESS/NAICS CODE:	PROGRAM LEVEL: 1 ☐	2 ☐	3 ☐	
	REGULATED SUBSTANCE:	MAXIMUM QUANTITY IN PROCESS: (lbs)			
3)	PROCESS/NAICS CODE:	PROGRAM LEVEL: 1 ☐	2 ☐	3 ☐	
	REGULATED SUBSTANCE:	MAXIMUM QUANTITY IN PROCESS: (lbs)			
4)	PROCESS/NAICS CODE:	PROGRAM LEVEL: 1 ☐	2 ☐	3 ☐	
	REGULATED SUBSTANCE:	MAXIMUM QUANTITY IN PROCESS: (lbs)			
5)	PROCESS/NAICS CODE:	PROGRAM LEVEL: 1 ☐	2 ☐	3 ☐	
	REGULATED SUBSTANCE:	MAXIMUM QUANTITY IN PROCESS: (lbs)			

DID THE FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES? ☐Y ☐N

ATTACHED CHECKLIST(S):

☐ PROGRAM LEVEL 1 CHECKLIST ☐ PROGRAM LEVEL 2 CHECKLIST ☑ PROGRAM LEVEL 3 CHECKLIST

OTHER ATTACHMENTS:

COMMENTS:

RMP Program Level 3 Process Checklist	Facility Name: Petra Chemical Company			
Section A – Management [68.15]				
Management system developed and implemented as provided in 40 CFR 68.15? Comments:	☑S	☐M	☐U	☐N/A
Has the owner or operator:				
1. Developed a management system to oversee the implementation of the risk management program elements? [68.15(a)]	☑Y	☐N	☐N/A	
2. Assigned a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements? [68.15(b)]	☑Y	☐N	☐N/A	
3. Documented other persons responsible for implementing individual requirements of the risk management program and defined the lines of authority through an organization chart or similar document? [68.15(c)]	☑Y	☐N	☐N/A	
Section B: Hazard Assessment [68.20-68.42]				
Hazard assessment conducted and documented as provided in 40 CFR 68.20-68.42? Comments:	☑S	☐M	☐U	☐N/A
Hazard Assessment: Offsite consequence analysis parameters [68.22]				
1. Used the following endpoints for offsite consequence analysis for a worst-case scenario: [68.22(a)] ☐ For toxics: the endpoints provided in Appendix A of 40 CFR Part 68? [68.22(a)(1)] ☐ For flammables: an explosion resulting in an overpressure of 1 psi? [68.22(a)(2)(i)]; or ☐ For flammables: a fire resulting in a radiant heat/exposure of 5 kw/m^2 for 40 seconds? [68.22(a)(2)(ii)] ☐ For flammables: a concentration resulting in a lower flammability limit, as provided in NFPA documents or other generally recognized sources? [68.22(a)(2)(iii)]	☑Y	☐N	☐N/A	
2. Used the following endpoints for offsite consequence analysis for an alternative release scenario: [68.22(a)] ☐ For toxics: the endpoints provided in Appendix A of 40 CFR Part 68? [68.22(a)(1)] ☐ For flammables: an explosion resulting in an overpressure of 1 psi? [68.22(a)(2)(i)] ☐ For flammables: a fire resulting in a radiant heat/exposure of 5 kw/m^2 for 40 seconds? [68.22(a)(2)(ii)] ☐ For flammables: a concentration resulting in a lower flammability limit, as provided in NFPA documents or other generally recognized sources? [68.22(a)(2)(iii)]	☑Y	☐N	☐N/A	
3. Used appropriate wind speeds and stability classes for the release analysis? [68.22(b)]	☑Y	☐N	☐N/A	
4. Used appropriate ambient temperature and humidity values for the release analysis? [68.22(c)]	☑Y	☐N	☐N/A	
5. Used appropriate values for the height of the release for the release analysis? [68.22(d)]	☑Y	☐N	☐N/A	
6. Used appropriate surface roughness values for the release analysis? [68.22(e)]	☑Y	☐N	☐N/A	
7. Do tables and models, used for dispersion analysis of toxic substances, appropriately account for dense or neutrally buoyant gases? [68.22(f)]	☑Y	☐N	☐N/A	
8. Were liquids, other than gases liquefied by refrigeration only, considered to be released at the highest daily maximum temperature, based on data for the previous three years appropriate for a stationary source, or at process temperature, whichever is higher? [68.22(g)]	☐Y	☐N	☑N/A	
Hazard Assessment: Worst-case release scenario analysis [68.25]				
9. Analyzed and reported in the RMP one worst-case release scenario estimated to create the greatest distance to an endpoint resulting from an accidental release of a regulated toxic substance from covered processes under worst-case conditions? [68.25(a)(2)(i)]	☑Y	☐N	☐N/A	

RMP Program Level 3 Process Checklist	Facility Name: Petra Chemical Company		
10. Analyzed and reported in the RMP one worst-case release scenario estimated to create the greatest distance to an endpoint resulting from an accidental release of a regulated flammable substance from covered processes under worst-case conditions? [68.25(a)(2)(ii)]	☐Y	☐N	☑N/A
11. Analyzed and reported in the RMP additional worst-case release scenarios for a hazard class if the worst-case release from another covered process at the stationary source potentially affects public receptors different from those potentially affected by the worst-case release scenario developed under 68.25(a)(2)(i) or 68.25(a)(2)(ii)? [68.25(a)(2)(iii)]	☐Y	☐N	☑N/A
12. Has the owner or operator determined the worst-case release quantity to be the greater of the following: [68.25(b)] ☑ If released from a vessel, the greatest amount held in a single vessel, taking into account administrative controls that limit the maximum quantity? [68.25(b)(1)] ☐ If released from a pipe, the greatest amount held in the pipe, taking into account administrative controls that limit the maximum quantity? [68.25(b)(2)]	☑Y	☐N	☐N/A
13.a. Has the owner or operator for toxic substances that are normally gases at ambient temperature and handled as a gas or liquid under pressure:			
13.a.(1) Assumed the whole quantity in the vessel or pipe would be released as a gas over 10 minutes? [68.25(c)(1)]	☑Y	☐N	☐N/A
13.a.(2) Assumed the release rate to be the total quantity divided by 10, if there are no passive mitigation systems in place? [68.25(c)(1)]	☑Y	☐N	☐N/A
13.b. Has the owner or operator for toxic gases handled as refrigerated liquids at ambient pressure:			
13.b.(1) Assumed the substance would be released as a gas in 10 minutes, if not contained by passive mitigation systems or if the contained pool would have a depth of 1 cm or less? [68.25(c)(2)(i)]	☐Y	☐N	☑N/A
13.b.(2) [Optional for owner / operator] Assumed the quantity in the vessel or pipe would be spilled instantaneously to form a liquid pool, if the released substance would be contained by passive mitigation systems in a pool with a depth greater than 1 cm? [68.25(c)(2)(ii)]	☐Y	☐N	☑N/A
13.b.(3) Calculated the volatilization rate at the boiling point of the substance and at the conditions specified in 68.25(d)? [68.25(c)(2)(ii)]	☐Y	☐N	☑N/A
13.c. Has the owner or operator for toxic substances that are normally liquids at ambient temperature:			
13.c.(1) Assumed the quantity in the vessel or pipe would be spilled instantaneously to form a liquid pool? [68.25(d)(1)]	☐Y	☐N	☑N/A
13.c.(2) Determined the surface area of the pool by assuming that the liquid spreads to 1 cm deep, if there is no passive mitigation system in place that would serve to contain the spill and limit the surface area, or if passive mitigation is in place, was the surface area of the contained liquid used to calculate the volatilization rate? [68.25(d)(1)(i)]	☐Y	☐N	☑N/A
13.c.(3) Taken into account the actual surface characteristics, if the release would occur onto a surface that is not paved or smooth? [68.25(d)(1)(ii)]	☐Y	☐N	☑N/A
13.c.(4) Determined the volatilization rate by accounting for the highest daily maximum temperature in the past three years, the temperature of the substance in the vessel, and the concentration of the substance if the liquid spilled is a mixture or solution? [68.25(d)(2)]	☐Y	☐N	☑N/A
13.c.(5) Determined the rate of release to air from the volatilization rate of the liquid pool? [68.25(d)(3)]	☐Y	☐N	☑N/A
13.c.(6) Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.25(d)(3)] What modeling technique did the owner or operator use? [68.25(g)] _____	☐Y	☐N	☑N/A

RMP Program Level 3 Process Checklist	Facility Name: Petra Chemical Company		
13.d. Has the owner or operator for flammables:			
13.d.(1) Assumed the quantity in a vessel(s) of flammable gas held as a gas or liquid under pressure or refrigerated gas released to an undiked area vaporizes resulting in a vapor cloud explosion? [68.25(e)]	☐Y	☐N	☑N/A
13.d.(2) For refrigerated gas released to a contained area or liquids released below their atmospheric boiling point, assumed the quantity volatilized in 10 minutes results in a vapor cloud? [68.25(f)]	☐Y	☐N	☑N/A
13.d.(3) Assumed a yield factor of 10% of the available energy is released in the explosion for determining the distance to the explosion endpoint, if the model used is based on TNT-equivalent methods? [68.25(e)]	☐Y	☐N	☑N/A
14. Used the parameters defined in 68.22 to determine distance to the endpoints? [68.25(g)]	☑Y	☐N	☐N/A
15. Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.25(g)] What modeling technique did the owner or operator use? [68.25(g)] **RMP Comp**	☑Y	☐N	☐N/A
16. Ensured that the passive mitigation system, if considered, is capable of withstanding the release event triggering the scenario and will still function as intended? [68.25(h)]	☐Y	☐N	☑N/A
17. Considered also the following factors in selecting the worst-case release scenarios: [68.25(i)] ☐ Smaller quantities handled at higher process temperature or pressure? [68.25(i)(1)] ☐ Proximity to the boundary of the stationary source? [68.25(i)(2)]	☐Y	☐N	☑N/A
Hazard Assessment: Alternative release scenario analysis [68.28]			
18. Identified and analyzed at least one alternative release scenario for each regulated toxic substance held in a covered process(es) and at least one alternative release scenario to represent all flammable substances held in covered processes? [68.28(a)]	☑Y	☐N	☐N/A
19. Selected a scenario: [68.28(b)] ☑ That is more likely to occur than the worst-case release scenario under 68.25? [68.28(b)(1)(i)] ☐ That will reach an endpoint off-site, unless no such scenario exists? [68.28(b)(1)(ii)]	☑Y	☐N	☐N/A
20. Considered release scenarios which included, but are not limited to, the following: [68.28(b)(2)] ☑ Transfer hose releases due to splits or sudden hose uncoupling? [68.28(b)(2)(i)] ☑ Process piping releases from failures at flanges, joints, welds, valves and valve seals, and drains or bleeds? [68.28(b)(2)(ii)] ☐ Process vessel or pump releases due to cracks, seal failure, or drain, bleed, or plug failure? [68.28(b)(2)(iii)] ☑ Vessel overfilling and spill, or overpressurization and venting through relief valves or rupture disks? [68.28(b)(2)(iv)] ☐ Shipping container mishandling and breakage or puncturing leading to a spill? [68.28(b)(2)(v)]	☑Y	☐N	☐N/A
21. Used the parameters defined in 68.22 to determine distance to the endpoints? [68.28(c)]	☑Y	☐N	☐N/A
22. Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.28(c)] What modeling technique did the owner or operator use? [68.25(g)] **RMP Comp**	☑Y	☐N	☐N/A

RMP Program Level 3 Process Checklist	Facility Name: Petra Chemical Company		
23. Ensured that the passive and active mitigation systems, if considered, are capable of withstanding the release event triggering the scenario and will be functional? [68.28(d)]	☐Y	☐N	☑N/A
24. Considered the following factors in selecting the alternative release scenarios: [68.28(e)] ☐ The five-year accident history provided in 68.42? [68.28(e)(1)] ☐ Failure scenarios identified under 68.50? [68.28(e)(2)]	☐Y	☐N	☑N/A
Hazard Assessment: Defining off-site impacts–Population [68.30] ***Maps not provided initially, but were received prior to the end of the inspection.***			
25. Estimated population that would be included in the distance to the endpoint in the RMP based on a circle with the point of release at the center? [68.30(a)]	☑Y	☐N	☐N/A
26. Identified the presence of institutions, parks and recreational areas, major commercial, office, and industrial buildings in the RMP? [68.30(b)]	☑Y	☐N	☐N/A
27. Used most recent Census data, or other updated information to estimate the population? [68.30(c)]	☑Y	☐N	☐N/A
28. Estimated the population to two significant digits? [68.30(d)]	☑Y	☐N	☐N/A
Hazard Assessment: Defining off-site impacts–Environment [68.33] ***Maps were not provided initially, but were received prior to the end of the inspection.***			
29. Identified environmental receptors that would be included in the distance to the endpoint based on a circle with the point of release at the center? [68.33(a)]	☑Y	☐N	☐N/A
30. Relied on information provided on local U.S.G.S. maps, or on any data source containing U.S.G.S. data to identify environmental receptors? [Source may have used LandView to obtain information] [68.33(b)]	☑Y	☐N	☐N/A
Hazard Assessment: Review and update [68.36]			
31. Reviewed and updated the off-site consequence analyses at least once every five years? [68.36(a)]	☑Y	☐N	☐N/A
32. Completed a revised analysis and submit a revised RMP within six months of a change in processes, quantities stored or handled, or any other aspect that might reasonably be expected to increase or decrease the distance to the endpoint by a factor of two or more? [68.36(b)]	☑Y	☐N	☐N/A
Hazard Assessment: Documentation [68.39]			
33. For worst-case scenarios: a description of the vessel or pipeline and substance selected, assumptions and parameters used, the rationale for selection, and anticipated effect of the administrative controls and passive mitigation on the release quantity and rate? [68.39(a)]	☑Y	☐N	☐N/A
34. For alternative release scenarios: a description of the scenarios identified, assumptions and parameters used, the rationale for the selection of specific scenarios, and anticipated effect of the administrative controls and mitigation on the release quantity and rate? [68.39(b)]	☑Y	☐N	☐N/A
35. Documentation of estimated quantity released, release rate, and duration of release? [68.39(c)]	☑Y	☐N	☐N/A
36. Methodology used to determine distance to endpoints? [68.39(d)]	☑Y	☐N	☐N/A
37. Data used to estimate population and environmental receptors potentially affected? [68.39(e)]	☑Y	☐N	☐N/A
Hazard Assessment: Five-year accident history [68.42]			
38. Has the owner or operator included all accidental releases from covered processes that resulted in deaths, injuries, or significant property damage on site, or known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage? [68.42(a)]	☐Y	☐N	☑N/A

39. Has the owner or operator reported the following information for each accidental release: [68.42(b)]	☐Y	☐N	☑N/A
☐ Date, time, and approximate duration of the release? [68.42(b)(1)]			
☐ Chemical(s) released? [68.42(b)(2)]			
☐ Estimated quantity released in pounds and percentage weight in a mixture (toxics)? [68.42(b)(3)]			
☐ NAICS code for the process? [68.42(b)(4)]			
☐ The type of release event and its source? [68.42(b)(5)]			
☐ Weather conditions (if known)? [68.42(b)(6)]			
☐ On-site impacts? [68.42(b)(7)]			
☐ Known offsite impacts? [68.42(b)(8)]			
☐ Initiating event and contributing factors (if known)? [68.42(b)(9)]			
☐ Whether offsite responders were notified (if known)? [68.42(b)(10)]			
☐ Operational or process changes that resulted from investigation of the release? [68.42(b)(11)]			

Section C: Prevention Program

Implemented the Program 3 prevention requirements as provided in 40 CFR 68.65 - 68.87? Comments:	☐S	☑M	☐U	☐N/A

Prevention Program- Safety information [68.65]

1. Has the owner or operator compiled written process safety information, which includes information pertaining to the hazards of the regulated substances used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process, before conducting any process hazard analysis required by the rule? [68.65(a)]	☑Y	☐N	☐N/A
Does the process safety information contain the following for hazards of the substances: [68.65(b)]			
☑ Material Safety Data Sheets (MSDS) that meet the requirements of the OSHA Hazard Communication Standard [29 CFR 1910.1200(g)]? [68.48(a)(1)]			
☑ Toxicity information? [68.65(b)(1)]			
☑ Permissible exposure limits? [68.65(b)(2)]			
☑ Physical data? [68.65(b)(3)]			
☑ Reactivity data? [68.65(b)(4)]			
☑ Corrosivity data? [68.65(b)(5)]			
☑ Thermal and chemical stability data? [68.65(b)(6)]			
☑ Hazardous effects of inadvertent mixing of materials that could foreseeably occur? [68.65(b)(7)]			
2. Has the owner documented information pertaining to technology of the process?	☑Y	☐N	☐N/A
☑ A block flow diagram or simplified process flow diagram? [68.65(c)(1)(i)]			
☐ Process chemistry? [68.65(c)(1)(ii)]			
☑ Maximum intended inventory? [68.65(c)(1)(iii)]			
☑ Safe upper and lower limits for such items as temperatures, pressures, flows, or compositions? [68.65(c)(1)(iv)]			
☑ An evaluation of the consequences of deviation? [68.65(c)(1)(iv)]			

RMP Program Level 3 Process Checklist	Facility Name: Petra Chemical Company		
3. Does the process safety information contain the following for the equipment in the process: [68.65(d)(1)] ☑ Materials of construction? 68.65(d)(1)(i)] ☑ Piping and instrumentation diagrams [68.65(d)(1)(ii)] ☑ Electrical classification? [68.65(d)(1)(iii)] ☑ Relief system design and design basis? [68.65(d)(1)(iv)] ☑ Ventilation system design? [68.65(d)(1)(v)] ☑ Design codes and standards employed? [68.65(d)(1)(vi)] ☑ Material and energy balances for processes built after June 21, 1999? [68.65(d)(1)(vii)] ☑ Safety systems? [68.65(d)(1)(viii)]	☑Y	☐N	☐N/A
4. Has the owner or operator documented that equipment complies with recognized and generally accepted good engineering practices? [68.65(d)(2)] **No procedure for documentation.**	☐Y	☑N	☐N/A
5. Has the owner or operator determined and documented that existing equipment, designed and constructed in accordance with codes, standards, or practices that are no longer in general use, is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)] **No documentation.**	☐Y	☑N	☐N/A
Prevention Program- Process Hazard Analysis [68.67]			
6. Has the owner or operator performed an initial process hazard analysis (PHA), and has this analysis identified, evaluated, and controlled the hazards involved in the process? [68.67(a)] **dated 2/13/02**	☑Y	☐N	☐N/A
7. Has the owner or operator determined and documented the priority order for conducting PHAs, and was it based on an appropriate rationale? [68.67(a)]	☑Y	☐N	☐N/A
8. Has the owner used one or more of the following technologies to conduct process PHA: [68.67(b)] ☑ What-if? [68.67(b)(1)] ☐ Checklist? [68.67(b)(2)] ☐ What-if/Checklist? [68.67(b)(3)] ☐ Hazard and Operability Study (HAZOP) [68.67(b)(4)] ☐ Failure Mode and Effects Analysis (FMEA) [68.67(b)(5)] ☐ Fault Tree Analysis? [68.67(b)(6)] ☐ An appropriate equivalent methodology? [68.67(b)(7)]	☑Y	☐N	☐N/A
9. Did the PHA address: ☑ The hazards of the process? [68.67(c)(1)] ☑ Identification of any incident that had a likely potential for catastrophic consequences? [68.67(c)(2)] ☐ Engineering and administrative controls applicable to hazards and interrelationships?[68.67(c)(3)] ☑ Consequences of failure of engineering and administrative controls? [68.67(c)(4)] ☑ Stationary source siting? [68.67(c)(5)] ☑ Human factors? [68.67(c)(6)] ☑ An evaluation of a range of the possible safety and health effects of failure of controls? [68.67(c)(7)]	☑Y	☐N	☐N/A
10. Was the PHA performed by a team with expertise in engineering and process operations and did the team include appropriate personnel? [68.67(d)]	☑Y	☐N	☐N/A

RMP Program Level 3 Process Checklist	Facility Name: Petra Chemical Company		
11. Has the owner or operator established a system to promptly address the team's findings and recommendations; assured that the recommendations are resolved in a timely manner and documented; documented what actions are to be taken; completed actions as soon as possible; developed a written schedule of when these actions are to be completed; and communicated the actions to operating, maintenance, and other employees whose work assignments are in the process and who may be affected by the recommendations? [68.67(e)] **no system in place**	☐Y	☑N	☐N/A
12. Has the PHA been updated and revalidated by a team every five years after the completion of the initial PHA to assure that the PHA is consistent with the current process? [68.67(f)]	☑Y	☐N	☐N/A
13. Has the owner or operator retained PHAs and updates or revalidations for each process covered, as well as the resolution of recommendations for the life of the process? [68.67(g)]	☐Y	☑N	☐N/A
Prevention Program- Operating procedures [68.69]			
14. Has the owner or operator developed and implemented written operating procedures that provide instructions or steps for conducting activities associated with each covered process consistent with the safety information? [68.69(a)]	☑Y	☐N	☐N/A
15 Do the procedures address the following: [68.69(a)] Steps for each operating phase: [68.69(a)(1)] ☑ Initial Startup? [68.69(a)(1)(i)] ☑ Normal operations? [68.69(a)(1)(ii)] ☑ Temporary operations? [68.69((a)(1)(iii)] ☑ Emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner? [68.69(a)(1)(iv)] ☑ Emergency operations? [68.69(a)(1)(v)] ☑ Normal shutdown? [68.68(a)(1)(vi)] ☑ Startup following a turnaround, or after emergency shutdown? [68.69(a)(1)(vii)] Operating limits: [68.69(a)(2)] ☑ Consequences of deviations [68.69(a)(2)(i)] ☑ Steps required to correct or avoid deviation? [68.69(a)(2)(ii)] Safety and health considerations: [68.69(a)(3)] ☑ Properties of, and physical hazards presented by, the chemicals used in the process [68.69(a)(3)(i)] ☑ Precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment? [68.69(a)(3)(ii)] ☑ Control measures to be taken if physical contact or airborne exposure occurs? [68.69(a)(3)(iii)] ☑ Quality control for raw materials and control of hazardous chemical inventory levels? [68.69(a)(3)(iv)] ☑ Any special or unique hazards? [68.69(a)(3)(v)] ☑ Safety systems and their functions? [68.69(a)(4)]	☑Y	☐N	☐N/A
16. Are operating procedures readily accessible to employees who are involved in a process? [68.69(b)]	☑Y	☐N	☐N/A
17. Has the owner or operator certified annually that the operating procedures are current and accurate and that procedures have been reviewed as often as necessary? [68.69(c)]	☑Y	☐N	☐N/A
18. Has the owner or operator developed and implemented safe work practices to provide for the control of hazards during specific operations, such as lockout/tagout? [68.69(d)]	☑Y	☐N	☐N/A

RMP Program Level 3 Process Checklist	Facility Name: Petra Chemical Company		
Prevention Program - Training [68.71]			
19 Has each employee involved in operating a process, and each employee before being involved in operating a newly assigned process, been initially trained in an overview of the process and in the operating procedures? [68.71(a)(1)]	☑Y	☐N	☐N/A
20. Did initial training include emphasis on safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks? [68.71(a)(1)]	☑Y	☐N	☐N/A
21. In lieu of initial training for those employees already involved in operating a process on June 21, 1999, an owner or operator may certify in writing that the employee has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as specified in the operating procedures [68.71(a)(2)]	☑Y	☐N	☐N/A
22. Has refresher training been provided at least every three years, or more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process? [68.71(b)]	☑Y	☐N	☐N/A
23, Has owner or operator ascertained and documented in record that each employee involved in operating a process has received and understood the training required? [68.71(c)]	☑Y	☐N	☐N/A
24. Does the prepared record contain the identity of the employee, the date of the training, and the means used to verify that the employee understood the training? [68.71(c)]	☑Y	☐N	☐N/A
Prevention Program - Mechanical Integrity [68.73]			
25. Has the owner or operator established and implemented written procedures to maintain the on-going integrity of the process equipment listed in 68.73(a)? [68.73(b)]	☑Y	☐N	☐N/A
26. Has the owner or operator trained each employee involved in maintaining the on-going integrity of process equipment? [68.73(c)]	☑Y	☐N	☐N/A
27. Performed inspections and tests on process equipment? [68.73(d)(1)]	☑Y	☐N	☐N/A
28. Followed recognized and generally accepted good engineering practices for inspections and testing procedures? [68.73(d)(2)]	☑Y	☐N	☐N/A
29. Ensured the frequency of inspections and tests of process equipment is consistent with applicable manufacturers' recommendations, good engineering practices, and prior operating experience? [68.73(d)(3)]	☑Y	☐N	☐N/A
30. Documented each inspection and test that had been performed on process equipment, which identifies the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test? [68.73(d)(4)]	☑Y	☐N	☐N/A
31. Corrected deficiencies in equipment that were outside acceptable limits defined by the process safety information before further use or in a safe and timely manner when necessary means were taken to assure safe operation? [68.73(e)]	☑Y	☐N	☐N/A
32. Assured that equipment as it was fabricated is suitable for the process application for which it will be used in the construction of new plants and equipment? [68.73(f)(1)]	☑Y	☐N	☐N/A
33. Performed appropriate checks and inspections to assure that equipment was installed properly and consistent with design specifications and the manufacturer's instructions? [68.73(f)(2)]	☑Y	☐N	☐N/A
34. Assured that maintenance materials, spare parts and equipment were suitable for the process application for which they would be used? [68.73(f)(3)]	☑Y	☐N	☐N/A
Prevention Program - Management Of Change [68.75] *No documentation*			
35. Has the owner or operator established and implemented written procedures to manage changes to process chemicals, technology, equipment, and procedures, and changes to stationary sources that affect a covered process? [68.75(a)]	☐Y	☑N	☐N/A

36. Do procedures assure that the following considerations are addressed prior to any change: [68.75(b)] ☐ The technical basis for the proposed change? [68.75(b)(1)] ☐ Impact of change on safety and health? [68.75(b)(2)] ☐ Modifications to operating procedures? [68.75(b)(3)] ☐ Necessary time period for the change? [68.75(b)(4)] ☐ Authorization requirements for the proposed change? [68.75(b)(5)]	☐Y	☐N	☑N/A
37. Were employees, involved in operating a process and maintenance, and contract employees, whose job tasks would be affected by a change in the process, informed of, and trained in, the change prior to start-up of the process or affected parts of the process? [68.75(c)]	☐Y	☐N	☑N/A
38. If a change resulted in a change in the process safety information, was such information updated accordingly? [68.75(d)]	☐Y	☐N	☑N/A
39. If a change resulted in a change in the operating procedures or practices, had such procedures or practices been updated accordingly? [68.75(e)]	☐Y	☐N	☑N/A
Prevention Program - Pre-startup Safety Review [68.77]			
40. If the facility installed a new stationary source, or significantly modified an existing source, (as discussed at 68.77(a)) did it perform a pre-startup safety review prior to the introduction of a regulated substance to a process to confirm: [68.77(b)] ☐ Construction and equipment was in accordance with design specifications? [68.77(b)(1)] ☐ Safety, operating, maintenance, and emergency procedures were in place and were adequate? [68.77(b)(2)] ☐ For new stationary sources, a process hazard analysis had been performed and recommendations had been resolved or implemented before startup? [68.77(b)(3)] ☐ Modified stationary sources meet the requirements contained in management of change? [68.77(b)(3)] ☐ Training of each employee involved in operating a process had been completed? [68.77(b)(4)]	☐Y	☐N	☑N/A
Prevention Program - Compliance audits [68.79]			
41. Has the owner or operator certified that the stationary source has evaluated compliance with the provisions of the prevention program at least every three years to verify that the developed procedures and practices are adequate and being followed? [68.79(a)] **Last certification Dec '04, none earlier.**	☐Y	☑N	☐N/A
42. Has the audit been conducted by at least one person knowledgeable in the process? [68.79(b)]	☑Y	☐N	☐N/A
43. Are the audit findings documented in a report? [68.79(c)]	☑Y	☐N	☐N/A
44. Has the owner or operator promptly determined and documented an appropriate response to each of the findings of the audit and documented that deficiencies had been corrected? [68.79(d)] **No deficiencies found.**	☐Y	☐N	☑N/A
45. Has the owner or operator retained the two most recent compliance reports? [68.79(e)]	☐Y	☑N	☐N/A
Prevention Program - Incident investigation [68.81]			
46. Has the owner or operator investigated each incident that resulted in, or could reasonably have resulted in a catastrophic release of a regulated substance? [68.81(a)]	☑Y	☐N	☐N/A
47. Were all incident investigations initiated not later than 48 hours following the incident? [68.81(b)]	☑Y	☐N	☐N/A
48. Was an accident investigation team established and did it consist of at least one person knowledgeable in the process involved, including a contract employee if the incident involved work of a contractor, and other persons with appropriate knowledge and experience to thoroughly investigate and analyze the incident? [68.81(c)]	☑Y	☐N	☐N/A

RMP Program Level 3 Process Checklist	Facility Name: Petra Chemical Company		
49. Was a report prepared at the conclusion of every investigation? [68.81(d)]	☑Y	☐N	☐N/A
50. Does every report include: [68.81(d)] ☐ Date of incident? [68.81(d)(1)] ☐ Date investigation began? [68.81(d)(2)] ☐ A description of the incident? [68.81(d)(3)] ☐ The factors that contributed to the incident? [68.81(d)(4)] ☐ Any recommendations resulting from the investigation? [68.81(d)(5)]	☑Y	☐N	☐N/A
51. Has the owner or operator established a system to address and resolve the report findings and recommendations, and are the resolutions and corrective actions documented? [68.81(e)]	☑Y	☐N	☐N/A
52. Was the report reviewed with all affected personnel whose job tasks are relevant to the incident findings including contract employees where applicable? [68.81(f)]	☑Y	☐N	☐N/A
53. Has the owner or operator retained incident investigation reports for at least five years? [68.81(g)]	☑Y	☐N	☐N/A
Section D - Employee Participation [68.83]			
1. Has the owner or operator developed a written plan of action regarding the implementation of the employee participation required by this section? [68.83(a)]	☑Y	☐N	☐N/A
2. Has the owner or operator consulted with employees and their representatives on the conduct and development of process hazards analyses and on the development of the other elements of process safety management in chemical accident prevention provisions? [68.83(b)]	☑Y	☐N	☐N/A
3. Has the owner or operator provided to employees and their representatives access to process hazards analyses and to all other information required to be developed under the chemical accident prevention rule? [68.83(c)]	☑Y	☐N	☐N/A
Section E - Hot Work Permit [68.85]			
1. Has the owner or operator issued a hot work permit for each hot work operation conducted on or near a covered process? [68.85(a)]	☑Y	☐N	☐N/A
2. Does the permit document that the fire prevention and protection requirements in 29CFR 1910.252(a) have been implemented prior to beginning the hot work operations? [68.85(b)]	☑Y	☐N	☐N/A
3. Does the permit indicate the date(s) authorized for hot work and the object(s) upon which hot work is to be performed? [68.85(b]	☑Y	☐N	☐N/A
4. Are the permits being kept on file until completion of the hot work operations? [68.85(b)]	☑Y	☐N	☐N/A
Section F - Contractors [68.87]			
1. Has the owner or operator obtained and evaluated information regarding the contract owner or operator's safety performance and programs when selecting a contractor? [68.87(b)(1)]	☑Y	☐N	☐N/A
2. Informed contract owner or operator of the known potential fire, explosion, or toxic release hazards related to the contractor's work and the process? [68.87(b)(2)] **Suggested that the contractor sign off on specialized chlorine training.**	☑Y	☐N	☐N/A
3. Explained to the contract owner or operator the applicable provisions of the emergency response or the emergency action program? [68.87(b)(3)]	☑Y	☐N	☐N/A
4. Developed and implemented safe work practices consistent with §68.69(d), to control the entrance, presence, and exit of the contract owner or operator and contract employees in the covered process areas? [68.87(b)(4)]	☑Y	☐N	☐N/A

RMP Program Level 3 Process Checklist	Facility Name: Petra Chemical Company			
Section G - Emergency Response [68.90 - 68.95]				
Developed and implemented an emergency response program as provided in 40 CFR 68.90-68.95? Comments:	☑S	☐M	☐U	☐N/A
1. Is the facility designated as a "first responder" in case of an accidental release of regulated substances"		☐Y	☑N	☐N/A
1.a. If the facility is not a first responder:				
1.a.(1) For stationary sources with any regulated substances held in a process above threshold quantities, is the source included in the community emergency response plan developed under 42 U.S.C. 11003? [68.90(b)(1)]		☐Y	☑N	☐N/A
1.a.(2) For stationary sources with only regulated flammable substances held in a process above threshold quantities, has the owner or operator coordinated response actions with the local fire department? [68.90(b)(2)]		☐Y	☐N	☑N/A
1.a.(3) Are appropriate mechanisms in place to notify emergency responders when there is need for a response? [68.90(b)(3)]		☑Y	☐N	☐N/A
2. An emergency response plan is maintained at the stationary source and contains the following? [68.95(a)(1)] ☑ Procedures for informing the public and local emergency response agencies about accidental releases? [68.95(a)(1)(i)] ☐ Documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures? [68.95(a)(1)(ii)] ☐ Procedures and measures for emergency response after an accidental release of a regulated substance? [68.95(a)(1)(iii)]		☑Y	☐N	☐N/A
3. The emergency response plan contains procedures for the use of emergency response equipment and for its inspection, testing, and maintenance? [68.95(a)(2)]		☑Y	☐N	☐N/A
4. The emergency response plan requires, and there is documentation of, training for all employees in relevant procedures? [68.95(a)(3)]		☑Y	☐N	☐N/A
5. The owner or operator has developed and implemented procedures to review and update, as appropriate, the emergency response plan to reflect changes at the stationary source and ensure that employees are informed of changes? [68.95(a)(4)]		☐Y	☐N	☑N/A
6. Did the owner or operator use a written plan that complies with other Federal contingency plan regulations or is consistent with the approach in the National Response Team's Integrated Contingency Plan Guidance (''One Plan'')? If so, does the plan include the elements provided in paragraph (a) of 68.95, and also complies with paragraph (c) of 68.95? [68.95(b)]		☐Y	☐N	☑N/A
7. Has the emergency response plan been coordinated with the community emergency response plan developed under EPCRA? [68.95(c)]		☐Y	☐N	☑N/A

Section H – Updates [40 CFR 68.190]

1. Has the owner or operator reviewed and updated the RMP and submitted it to EPA [68.190(a)]? Reason for update: ☑ Five-year update. [68.190(b)(1)] ☐ Within three years of a newly regulated substance listing. [68.190(b)(2)] ☐ At the time a newly regulated substance is first present in an already regulated process above threshold quantities. [68.190(b)(3)] ☐ At the time a regulated substance is first present in an already regulated process above threshold quantities. [68.190(b)(4)] ☐ Within six months of a change requiring revised PHA or hazard analysis. [68.190(b)(5)] ☐ Within six months of a change requiring a revised OCA as provided in 68.36. [68.190(b)(6)] ☐ Within six months of a change that alters the Program level that applies to any covered process. [68.190(b)(7)]	☑Y	☐N	☐N/A

Section I – Required Corrections [40 CFR 68.195]

1. If the owner or operator experienced an accidental release that met the five-year accident history reporting criteria (as described at 68.42) subsequent to April 9, 2004, did the owner or operator submit the information required at 68.168, 68.170(j) and 68.175(l) within six months of the release or by the time the RMP was updated as required at 68.190, whichever was earlier. [68.195(a)]	☐Y	☐N	☑N/A
2. If the emergency contact information required at 68.160(b)(6) has changed since June 21, 2004, did the owner or operator submit corrected information within thirty days of the change? [68.195(b)]	☐Y	☐N	☑N/A